JOHNSON COUNTY, INDIANA
CODE OF ORDINANCES

Local legislation current through March 23, 2026

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TITLE 1: GENERAL PROVISIONS

Article

1. **RULES OF CONSTRUCTION; GENERAL PENALTY**

ARTICLE 1: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

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CHAPTER 1: USING THE CODE

§ 1-1-1-1 TITLE OF CODE.

(A) The general ordinances of Johnson County Government as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of Johnson County, Indiana Government." Code title, chapter, and section headings do not constitute any part of the law as contained in the Code.

(B) Such Code of Ordinances as adopted in Section (A) shall consist of the following Titles:

Title 1: General Provisions
Title 2: County Organization
Title 3: Elections
Title 4: County Administration
Title 5: Public Purchasing
Title 6: County Taxation
Title 7: Alcohol and Tobacco
Title 8: Utilities and Transportation
Title 9: Motor Vehicles
Title 10: Public Safety
Title 11: County Sheriff and Corrections
Title 12: Human Services
Title 13: Environment
Title 14: Natural Resources
Title 15: Agriculture and Animals
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Title 17: Reserved
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Title 19: Reserved
Title 20: Education
Title 21: Libraries
Title 22: County Employees
Title 23: Cemeteries
Title 24: Weights and Measures
Title 25: Licenses
Title 26: Economic Development
Title 27: Electronic Development
Title 28: County Funds
Title 29: Reserved
Title 30: County Airport
Title 31: Reserved
Title 32: County Property
Title 33: County Courts
Title 34: Townships
Title 35: Criminal Law and Procedure
Title 36: Reserved

(Ord. 2010-04, passed 8-30-2010)

§ 1-1-1-2 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Code as those governing the interpretation of state law. (Ord. 2010-04, passed 8-30-2010)

§ 1-1-1-3 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this Code unless otherwise specifically provided.

§ 1-1-1-4 CONSTRUCTION OF CODE.

(A) All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and re-ordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code. (Ord. 2010-04, passed 8-30-10)

(B) Any appropriation repealed and reenacted by this Code is continued only for the period designated in the original enactment of that appropriation.

(C) The numerical order and position of sections in this Code do not resolve a conflict between two or more sections.

(D) Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally enacted. The section most recently enacted supersedes any conflicting section or subsection.

(E) All references within the text of this Code to any provision of previously existing laws refer to the corresponding provisions in the original enactment.

(F) (1) The numerical designations and descriptive headings assigned to the various titles, articles, chapters, or sections of this Code, as originally enacted or as added by amendment, are not law, and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only and do not affect the meaning, application, or construction of the law they precede.

(2) Each note following a provision of this Code is for reference purposes only and is not a part of the provision.

(G) All references to any provision of this Code refer to all subsequent amendments to that provision, unless otherwise provided. (I.C. 1-1-1-5)

(H) Such Code shall be deemed published as of the day of its adoption and approved by the Johnson County Board of Commissioners, and the Clerk of Johnson County, Indiana is hereby authorized and ordered to

file a copy of such Code of Ordinances in the Office of the Clerk.
(Ord. 2010-04, passed 8-30-10)

(I) Such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties, and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.
(Ord. 2010-04, passed 8-30-2010)

§ 1-1-1-5 RULES OF INTERPRETATION; DEFINITIONS.

(A) *Rules of interpretation.* This Code shall be construed by the following rules unless the construction is plainly repugnant to the legislative intent or context of the provision.

(1) Words and phrases shall be taken in their plain, ordinary, and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(2) Words imputing joint authority to three or more persons shall be construed as imputing authority to a majority of the persons, unless otherwise declared in the provision giving the authority.

(3) Where a provision requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.

(4) Words denoting gender shall be deemed to include the masculine, feminine, and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(B) *Definitions.* For the purpose of this Code of Ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF COMMISSIONERS. The Johnson County Board of Commissioners.

CLERK. The Clerk of the Johnson County Circuit and Superior Courts.

COUNTY. Johnson County, Indiana.

HIGHWAY. Includes bridges, roads, and streets, unless otherwise expressly provided.

MONTH. One calendar month.

PERSON. Extends to and includes human being, firm, corporation, partnership, trustee, lessee, receiver, and bodies politic. Whenever used in any clause prescribing and imposing a penalty, the terms ***PERSON*** or ***WHOEVER*** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING and ***FOLLOWING.*** When referring to provision in this Code, refer to the provision next following or next preceding that in which the words occur, unless some other provision is designated.

STATE. The State of Indiana.

WRITTEN and ***IN WRITING.*** Include printing, lithographing, or other mode of representing words and letters. Where the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

YEAR. One calendar year, unless otherwise expressly provided.
(I.C. 1-1-4-5)

§ 1-1-1-6 SEVERABILITY.

(A) If any provision of this Code now enacted or subsequently amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provision that can be given effect without the invalid section or application.

(B) Except in the case of a provision or amendment to this Code containing a nonseverability provision, each division or part of every provision is severable. If any portion or application of a provision is held invalid, the invalidity does not affect the remainder of the provision unless:
  (1) The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or
  (2) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

(C) This subsection applies to every provision of this Code regardless of whether a provision was enacted before or after the passage of this Code.
(I.C. 1-1-1-8)

§ 1-1-1-7 REFERENCE TO OTHER SECTIONS.

Whenever in one provision reference is made to another provision hereof, the reference shall extend and apply to the provision referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 1-1-1-8 REFERENCE TO OFFICES; NAME DESIGNATIONS.

(A) *Reference to offices.* Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the County exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(B) *Name designations.* Whenever any ordinance or resolution of the Board of Commissioners or Council refers to any board, bureau, commission, division, department, officer, agency, authority, or instrumentality of any government, and that name designation is incorrectly stated; or at the time of the effective date of that ordinance/resolution or subsequent amendment thereto, the rights, powers, duties, or liabilities placed with that entity are or were transferred to a different entity; then the named board, bureau, commission, department, division, officer, agency, authority, or instrumentality, whether correctly named in the ordinance/resolution at its

effective date or not, means that correctly named entity, or the entity to which the duties, liabilities, powers, and rights were transferred.
(I.C. 1-1-6-1)

§ 1-1-1-9 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 1-1-1-10 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is a Saturday, Sunday, or a state holiday, it shall be excluded.

§ 1-1-1-11 REPEAL OR MODIFICATION OF CODE SECTION.

When a section of this Code is repealed which repealed a former section or law adopted prior to the enactment of this Code, the former section or law is not revived unless it so expressly provides. The repeal of any provision shall not extinguish or release any penalty, forfeiture, or liability incurred under the provision, unless the repealing provision so expressly provides. The provision shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of the penalty, forfeiture, or liability.
(I.C. 1-1-5-1)

§ 1-1-1-12 LIMITATION PERIODS.

The running of any period of limitations or any requirement of notice contained in any law, whether applicable to civil causes or proceedings, or to the prosecution of offenses, or for the recovery of penalties and forfeitures, contained in a law repealed and reenacted by this Code, shall not be affected by the repeal and reenactment. All lawsuits, proceedings, and prosecutions for causes arising or acts committed prior to the effective date of this Code may be commenced and prosecuted with the same effect as if this Code had not been enacted.

Statutory reference: *Periods of limitation, see I.C. 1-1-1-7*

§ 1-1-1-13 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this Code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 1-1-1-14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing provision of this Code, the provision shall be specifically repealed and a new provision, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing Code a new provision shall indicate, with reference to the arrangement of this Code, the proper number of the provision. In addition to an indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 1-1-1-15 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the Code provision, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the Code provision. Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

a. (B) (1) If a statutory cite to the Indiana Code is included in the history, this indicates that the text of the provision reads substantially the same as the Indiana Code statute. Example: (I.C. 36-5-2-2)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 3-1-1-1 PUBLIC RECORDS AVAILABLE. This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law. ***Statutory reference:*** *Inspection of public records, see I.C. 5-14-3-1* et seq.

§ 1-1-1-16 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS, AND LIABILITIES.

All offenses committed under laws in force prior to the effective date of this Code shall be prosecuted and remain punishable as provided by those laws. This Code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun before the effective date of this Code. The liabilities, proceedings, and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this Code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into, or franchises granted, the acceptance, establishment, or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this Code had not been enacted.
(I.C. 1-1-1-6)

§ 1-1-1-99 GENERAL PENALTY.

(A) Any person, firm, or corporation who violates any provision of this Code for which another penalty is not specifically provided shall, upon conviction, be subject to the following:
(1) A fine not exceeding $2,500 for the first violation; and
(2) A fine not exceeding $7,500 for second and subsequent violations, except for violations of ordinances regulating traffic and parking.

(B) A separate violation shall be deemed committed upon each day during which a violation occurs or continues.

Statutory reference: *Authority, see I.C. 36-1-3-8(a)(10)*

TITLE 2: COUNTY ORGANIZATION

Article

1. **DISTRICTS**

ARTICLE 1: DISTRICTS

Section

Chapter 1: County Commissioner Districts
2-1-1-1 General provisions

Chapter 2: County Council Districts
2-1-2-1 General provisions

CHAPTER 1: COUNTY COMMISSIONER DISTRICTS

§ 2-1-1-1 GENERAL PROVISIONS.

The County Commissioner Districts for the County shall be:

(A) District 1: Blue River, Nineveh, and Hensley Townships;

(B) District 2: Union, Franklin, and Needham Townships; and

(C) District 3: White River, Clark, and Pleasant Townships.

(Ord. 81-10, passed 12-28-1981)

CHAPTER 2: COUNTY COUNCIL DISTRICTS

§ 2-1-2-1 GENERAL PROVISIONS.

The County Council Districts for the County shall be:

(A) District 1: Clark, Needham, Blue River, Nineveh, Hensley, and Union Townships;

(B) District 2: Franklin Township and Pleasant Township outside of the City of Greenwood;
(C) District 3: City of Greenwood in Pleasant Township; and
(D) White River Township, including precincts in the City of Greenwood.
(Ord. 81-11, passed 12-28-1981)

TITLE 3: ELECTIONS

Article

1. **PRECINCT ELECTION BOARDS**

2. **LOCAL ADVISORY COUNCIL**

3. **PRECINCTS**

ARTICLE 1: PRECINCT ELECTION BOARDS

Section

Chapter 1: General Provisions
3-1-1-1 Judges; duties and rights of election sheriffs

CHAPTER 1: GENERAL PROVISIONS

§ 3-1-1-1 JUDGES; DUTIES AND RIGHTS OF ELECTION SHERIFFS.

The County Board of Commissioners hereby orders that the judges of each precinct located in the County shall perform the duties and have the rights of the election sheriffs of those precincts.
(Ord. 96-6, passed 3-18-1996)

ARTICLE 2: LOCAL ADVISORY COUNCIL

Section

Chapter 1: Johnson County Election Accessibility Advisory Council
3-2-1-1 Findings and purpose
3-2-1-2 Effective date

CHAPTER 1: JOHNSON COUNTY ELECTION ACCESSIBILITY ADVISORY COUNCIL

§ 3-2-1-1 FINDINGS AND PURPOSE.

(A) The Board does find that:
  (1) Certain state and federal laws require the County to review the accessibility of all polling places in the County.;
  (2) An Election Accessibility Advisory Council ("Advisory Council") must be convened to assist the County in reviewing and choosing appropriate polling places.
  (3) The County Board of Commissioners must make certain appointments to this Advisory Council.
  (4) Accordingly, the County Board of Commissioners finds and declares that the purposes of this chapter are create the County Election Advisory Council.

(B) The Advisory Council shall be comprised of at least two County representatives of the disabilities community and elderly voters.

(C) The Advisory Council shall give advice to the County Election Board and the County Clerk in their evaluation of the accessibility of the County polling places to voters with disabilities. (Ord. 2003-15, passed 9-15-2003)

§ 3-2-1-2 EFFECTIVE DATE.

This chapter shall be in full force and effect September 15, 2003.
(Ord. 2003-15, passed 9-15-2003)

ARTICLE 3: PRECINCTS

Section

Chapter 1: General Provisions
3-3-1-1 Establishment

CHAPTER 1: GENERAL PROVISIONS

§ 3-3-1-1 ESTABLISHMENT.

(A) The County Board of Commissioners hereby establishes precincts for the County.

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

(C) The County Board of Commissioners hereby delegates its responsibilities under I.C. 3-11-1.5 to the County Election Board to alter or amend the precincts submitted herewith in order to obtain approval of the precincts by the State Election Division or the State Election Commission.

(D) This order shall become effective upon the approval of the precincts by either the State Election Division provided no objection is filed by a voter of the County by noon 10 days after the publication of notice of the proposed precinct establishment order or upon the approval of the State Election Commission if an objection is filed by a voter of the County by 12:00 p.m. 10

days after the publication of notice of the proposed precinct establishment order all pursuant to the provisions of I.C. 3-11-1.5.
(Ord. 2005-25, passed 8-15-2005)

TITLE 4: COUNTY ADMINISTRATION

Article

1. **BOARDS AND DEPARTMENTS**

2. **COUNTY RECORDER; FEES**

3. **PROGRAMS**

4. **ADVANCE CLAIMS PAYMENT**

5. **INTERNAL CONTROLS**

6. **CONFLICT OF INTEREST**

ARTICLE 1: BOARDS AND DEPARTMENTS

Section

Chapter 1: Department of Microfilming and Record Preservation

4-1-1-1 General provisions

Chapter 2: Public Safety Data and Communications Consortium Board (also known as E911 Board)

4-1-2-1 *Repealed.*
4-1-2-2 *Repealed.*
4-1-2-3 *Repealed.*
4-1-2-4 *Repealed.*
4-1-2-5 *Repealed.*
4-1-2-6 *Repealed.*

Chapter 3: Johnson County Public Safety Communications Advisory Board

4-1-3-1 General provisions
4-1-3-2 Meetings and organization
4-1-3-3 Powers and duties of the board
4-1-3-4 Repealer; survival of agreements

Chapter 4: Johnson County Department of Redevelopment and Redevelopment Commission

4-1-4-1 Establishment of Department of Redevelopment
4-1-4-2 Control of Department
4-1-4-3 Establishment of Redevelopment Commission
4-1-4-4 Qualifications of Redevelopment Commissioners

4-1-4-5 Duties of County Auditor
4-1-4-6 Approval Required for Certain Acts
4-1-4-7 Severability
4-1-4-8 Effective Date

CHAPTER 1: DEPARTMENT OF MICROFILMING AND RECORD PRESERVATION

§ 4-1-1-1 GENERAL PROVISIONS.

There is hereby created the Department of Microfilming and Record Preservation of the County, which Department shall operate under the direction and control of the County Clerk.
(Ord. 88-4, passed 2-22-1988)

CHAPTER 2: PUBLIC SAFETY DATA AND COMMUNICATIONS CONSORTIUM BOARD

§ 4-1-2-1 GENERAL PROVISIONS.

Repealed.
(Ord. 2015-01, passed 4-27-2015)

§ 4-1-2-2 PURPOSE.

Repealed.
(Ord. 2015-01, passed 4-27-2015)

§ 4-1-2-3 POLICY.

Repealed.
(Ord. 2015-01, passed 4-27-2015)

§ 4-1-2-4 ESTABLISHING THE BOARD.

Repealed.
(Ord. 2015-01, passed 4-27-2015)

§ 4-1-2-5 MEETINGS AND ORGANIZATION.

Repealed.
(Ord. 2015-01, passed 4-27-2015)

§ 4-1-2-6 POWERS AND DUTY OF THE BOARD.

Repealed.

(Ord. 2015-01, passed 4-27-2015)

CHAPTER 3: JOHNSON COUNTY PUBLIC SAFETY COMMUNICATIONS ADVISORY BOARD

§ 4-1-3-1 GENERAL PROVISIONS.

(A) The Johnson County Board of Commissioners hereby creates the Johnson County Public Safety Communications Advisory Board, referred to hereinafter as "Advisory Board."

(B) The Advisory Board will consist of the following voting members:
- (1) the Johnson County Sheriff (ex-officio);
- (2) three full-time law enforcement agency heads, as appointed by the Johnson County Board of Commissioners;
- (3) the President of the Johnson County Fire Chiefs Association (ex-officio);
- (4) three fire service agency heads, as appointed by the Johnson County Board of Commissioners;
- (5) one member appointed by the Johnson County Council, who may be a member of the Johnson County Council;
- (6) the Director of the Johnson County Emergency Management Agency; and
- (7) the Director of Johnson County Public Safety Communications, as the representative of the Board of Commissioners.

(C) Members shall serve a one-year term and may serve successive terms. Terms shall run from June 1 to May 31. A member shall serve until his or her successor is elected and qualified.

(D) A majority of the members of the Advisory Board constitutes a quorum for a meeting. The Advisory Board may act officially by an affirmative vote of a majority of those present at the meeting.

(E) Members may act by proxy.

(F) Advisory Board members and their proxies shall serve without compensation.

(Ord. 2015-01, passed 4-27-2015)

§ 4-1-3-2 MEETINGS AND ORGANIZATION.

The Advisory Board shall, at its first meeting, establish a quarterly meeting schedule. The Director of Johnson County Public Safety Communications shall serve as Chairperson. The Advisory Board may meet at such other times as may be needed in special session at the call of the Chairperson. All meetings shall be open to the public in accordance with I.C. 5-14-1.5. Board members may confer in executive session pursuant to I.C. 5-14-1.5.

(Ord. 2015-01, passed 4-27-2015)

§ 4-1-3-3 POWERS AND DUTIES OF THE BOARD.

The Advisory Board shall be charged with making recommendations and advising the Johnson County Public Safety Communications Director regarding the following:

(A) The Johnson County public safety data and communication network, including:
- (1) Operation and common usage issues;
- (2) Modifications;
- (3) Installations of equipment related to the public safety communications network;
- (4) Inventory; and

(5) Maintenance.

(B) The Johnson County Public Safety Communications budget with regard to 911 funds.

(C) Standard operating guidelines for Johnson County Public Safety Communications.

The Advisory Board may also appoint working groups to provide recommendations on operational or common issues.
(Ord. 2015-01, passed 4-27-2015)

§ 4-1-3-4 REPEALER; SURVIVAL OF AGREEMENTS.

All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed, including the former Johnson County Code 4-1-2-1 *et seq.*, which established the Public Safety Data Communications Consortium Board (E911 Board). However, the establishment of the Advisory board in no way affects agreements, contracts, or memoranda of understanding properly entered into by the Public Safety Data Communications Consortium Board (E911 Board) under the former ordinance.
(Ord. 2015-01, passed 4-27-2015)

CHAPTER 4: JOHNSON COUNTY DEPARTMENT OF REDEVELOPMENT AND REDEVELOPMENT COMMISSION

§ 4-1-4-1 ESTABLISHMENT OF DEPARTMENT OF REDEVELOPMENT.

There is hereby created the Department of Redevelopment of Johnson County, Indiana (the "Department of Redevelopment"), which shall be entitled to exercise all the rights, powers, privileges, and immunities accorded to such department by the Act, except those rights, powers, privileges , and immunities which are limited as described in Section 6 below.
(Ord. 2018-O-4, passed 7-23-2018)

§ 4-1-4-2 CONTROL OF DEPARTMENT.

Such Department of Redevelopment shall be under the control of a board of five (5) members to be known as the Johnson County Redevelopment Commission.
(Ord. 2018-O-4, passed 7-23-2018)

§ 4-1-4-3 ESTABLISHMENT OF REDEVELOPMENT COMMISSION.

There is hereby created a board to be known as the Johnson County Redevelopment Commission. Three (3) of such Redevelopment Commission members shall be appointed by the Board of Commissioners, and two (2) shall be appointed by the County Council of the County. The Board of Commissioners shall also appoint a current member of a school board with territory in the area served by the Redevelopment Commission, or an individual recommended by such school board, to serve as a non-voting member as prescribed by law. Each Redevelopment Commission member shall serve for one (1) year from the first day of January after his or her appointment and until his or her successor is appointed and has qualified, except that the original Redevelopment Commission members shall serve from the date of their appointment until the first day of January in the second year after their appointment. If a vacancy occurs, a successor shall be appointed in the same manner as the original Redevelopment Commission members, and the successor shall serve for the remainder of the vacated term.

Each Redevelopment Commission member, before beginning his or her duties, shall take and subscribe an oath of office in the form prescribed by law, to be endorsed on the certificate of his or her appointment, which shall be promptly filed with the Auditor of the County.

Each Redevelopment Commission member, before beginning his or her duties, shall execute a bond payable to the State, with surety to be approved by the Board of Commissioners of the County. The bond must be in a penal sum of Fifteen Thousand Dollars ($15,000.00) and must be conditioned on the faithful performance of the duties of his or her office and the accounting for all monies and property that may come into his or her hands or under his or her control. The cost of the bond shall be paid by the Redevelopment Commission.
(Ord. 2018-O-4, passed 7-23-2018)

§ 4-1-4-4 QUALIFICATIONS OF REDEVELOPMENT COMMISSIONERS.

Such Redevelopment Commission members shall have the qualifications prescribed by the laws of the State of Indiana as from time to time amended and shall qualify as therein provided; and shall exercise and enjoy the rights and powers and assume the duties and obligations conferred and imposed by said Act, including but not limited to the following qualifications:

(A) A Redevelopment Commission member must be at least 18 years of age and must be a resident of the County. If a Redevelopment Commission member ceases to be qualified under this Section, he or she forfeits his or her office.

(B) No Redevelopment Commission member shall receive a salary or per diem; but such Redevelopment Commission members are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.

(C) A Redevelopment Commission member may not have a pecuniary interest in any contract, employment, purchase, or sale made under the provisions of this Ordinance and the Act. However, any property required for redevelopment purposes in which a Redevelopment Commission member has a pecuniary interest may be acquired, but only by gift or condemnation. A transaction made in violation of this Section of this Ordinance is void.
(Ord. 2018-O-4, passed 7-23-2018)

§ 4-1-4-5 DUTIES OF COUNTY AUDITOR

The Auditor of the County charged by law for the performance of duties in respect to the funds and accounts of the County, shall perform the same duties with respect to the funds and accounts of the Department of Redevelopment, except as otherwise provided for in the Act.
(Ord. 2018-O-4, passed 7-23-2018)

§ 4-1-4-6 APPROVAL REQUIRED FOR CERTAIN ACTS

Notwithstanding anything contained in this Ordinance or the Act to the contrary, the Department of Redevelopment and Johnson County Redevelopment Commission shall, before it (i) exercises the power of eminent domain under Section 20 of the Act; (ii) exercises its power of issuance of bonds under Section 25.1 of the Act; (iii) enters into a lease or leases under Section 25.2 of the Act; (iv) levies taxes under Section 27 of the Act; (v) borrows money under Section 27.5 of the Act; (vi) levies a tax rate for specific

purposes under Section 28 of the Act; or (vii) establishes an allocation area under Section 39 of the Act, obtain specific approval for any or all such actions from the Board of Commissioners of the County.
(Ord. 2018-O-4, passed 7-23-2018)

§ 4-1-4-7 SEVERABILITY

If any part of this Ordinance shall be adjudged to be invalid by a court of proper jurisdiction, it shall be conclusively presumed that the Board of Commissioners would have passed the remainder of this Ordinance without such invalid part.
(Ord. 2018-O-4, passed 7-23-2018)

§ 4-1-4-8 EFFECTIVE DATE.

This Ordinance shall be in full force and effect immediately from and after its passage.
(Ord. 2018-O-4, passed 7-23-2018)

ARTICLE 2: COUNTY RECORDER; FEES

Section

Chapter 1: General Provisions
4-2-1-1 Purpose; supplemental fee for recording
4-2-1-2 Duplicating fee; purpose

CHAPTER 1: GENERAL PROVISIONS

§ 4-2-1-1 PURPOSE; SUPPLEMENTAL FEE FOR RECORDING.

(A) *Purpose*. The purpose of this section shall be to provide for a supplemental fee for recording a single document with the County Recorder pursuant to I.C. 36-2-7-10.

(B) *Supplemental recording fee*. The County Recorder shall charge a supplemental fee for recording a single document in the amount of $3, which shall be paid at the time of recording. This supplemental fee is in addition to other fees provided by law for recording a document.

(C) *Application and effective date*.

(1) This section shall apply to the entirety of the County. All portions of former ordinances in conflict herewith are hereby repealed or superseded.

(2) This section shall be in full force and effect immediately upon and after its adoption and publication as required by law.

(Ord. 95-25, passed 8-21-1995)

§ 4-2-1-2 DUPLICATING FEE; PURPOSE.

(A) *Purpose*. The purpose of this section shall be to provide for a fee for duplicating a roll of microfilm by the County Recorder pursuant to I.C. 36-2-7-10.

(B) *Duplicating fee*. The County Recorder shall charge a fee for duplicating a 50-foot roll of microfilm in the amount of $25, which shall be paid at the time of a request for duplicating.

(C) *Application and effective date*.

(1) This section shall apply to the entirety of the County. All portions of former ordinances in conflict herewith are hereby repealed or superseded.

(2) This section shall be in full force and effect on September 1, 1996, or upon and after its adoption and publication as required by law.

(Ord. 96-12, passed 9-1-1996)

ARTICLE 3: PROGRAMS

Section

Chapter 1: Ambulance Service Membership Program

4-3-1-1 General provisions

CHAPTER 1: AMBULANCE SERVICE MEMBERSHIP PROGRAM

§ 4-3-1-1 GENERAL PROVISIONS.

The County Board of Commissioners hereby grants permission to Rural/Metro Ambulance of Indiana, L.P. in the County to offer a membership program pursuant to the provisions of I.C. 27-4-5-2.
(Ord. 97-15, passed 10-27-1997)

ARTICLE 4: ADVANCE CLAIMS PAYMENT

Section

Chapter 1: General Provisions

4-4-1-1 Auditor authorized; warrants for payment

CHAPTER 1: GENERAL PROVISIONS

§ 4-4-1-1 AUDITOR AUTHORIZED; WARRANTS FOR PAYMENT.

(A) The Auditor is hereby authorized to issue warrants for payment of the following types of claims prior to publication and County Board of Commissioners allowance which are otherwise required pursuant to I.C. 36-2-6-3:

(1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions;
(2) License or permit fees;
(3) Insurance premiums;
(4) Utility payments or utility connection charges;
(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;
(6) Grants of state funds authorized by statute;
(7) Maintenance or service agreements;
(8) Leases or rental agreements;
(9) Bond or coupon payments;
(10) Payroll;
(11) State or federal taxes;
(12) Expenses that must be paid because of emergency circumstances; and
(13) Expenses described in an ordinance.

(B) ***EMERGENCY CIRCUMSTANCES*** includes, but are not limited to, circumstances that would prevent the County from incurring substantial fines or penalties.

(C) Each payment of expenses under this ordinance must be supported by a fully itemized invoice or bill and certification by the Auditor and the County Board of Commissioners shall review and allow the claim at its next regular or special meeting following the pre-approved payment of the expense.

(D) A payment of expenses under this section must be subsequently published in the manner provided under I.C. 36-2-6-3.

(Ord. 2004-01, passed 1-26-2004)

ARTICLE 5: INTERNAL CONTROLS

Section

Chapter 1: Internal Control Standards

4-5-1-1 Adoption of Internal Control Standards
4-5-1-2 Training
4-5-1-3 Definitions
4-5-1-4 Capitalization Threshold and Inventory
4-5-1-5 Depreciation
4-5-1-6 Materiality Threshold for Irregularities
4-5-1-7 Actual Knowledge of Misappropriation of Public Funds
4-5-1-8 Effective Date

CHAPTER 1: INTERNAL CONTROL STANDARDS

§ 4-5-1-1 ADOPTION OF INTERNAL CONTROL STANDARDS

The internal control standards developed by the State Board of Accounts pursuant to Indiana Code § 5-11-1-27(e) are hereby adopted. The County adopts and directs the minimum control standards and internal control

procedures for an internal control system that includes the following five (5) standards to promote government accountability and transparency as described in the Uniform Internal Control Standards for Indiana Political Subdivisions guidance document from the State Board of Accounts date September 2015 and as thereafter modified: (1) Control Environment; (2) Risk Assessment; (3) Control Activities; (4) Information and Communication; and (5) Monitoring.
(Ord. 2016-06, passed 5-23-2016, Ord. 2026-O-4, passed 3-23-2026)

§ 4-5-1-2 TRAINING

The Auditor of Johnson County is directed to conduct and certify employee training regarding the internal control standards adopted herein. Each Elected Official and Department Head is responsible for identifying employees whose official duties include accessing and dealing with funds and assets and ensuring that they attend the annual training, unless on leave status, on the minimum internal control standards and procedures and any other standards and procedures the Auditor deems necessary so Auditor's Office staff may timely certify to the State Board of Accounts that the training was received as provided by law. Elected Officials and Department Heads are responsible for utilizing the training to establish, maintain, and execute a system of internal controls in their departments and making sure their employees abide by the system and policies in place.
(Ord. 2016-06, passed 5-23-2016, Ord. 2026-O-4, passed 3-23-2026)

§ 4-5-1-3 DEFINITIONS

Capital assets are defined as assets having a useful life or more than one (1) year and an acquisition cost of $5,000.00 or more. Capital assets include land, land improvements, buildings, building improvements, machinery and equipment, vehicles, construction work in progress, works of art, historical treasurers, and infrastructure.

All items having a useful life or more than one year and a cost of $5,000 or more shall be capitalized, including acquisitions by lease-purchase agreements and donated items. All land will be capitalized, but not depreciated. Construction work in progress will be included in the capital asset inventory and will be depreciated once the project is complete and transferred to the appropriate county department. Items costing less than $5,000 that are permanently installed as a part of the cost of the original construction or installation of a larger building or equipment unit, or that prolong a fixed asset's economic life or expand its usefulness will be included in the cost of the larger unit. All capital assets meeting the criteria will be included in the county's fixed asset inventory and reported in the county's financial statements. Assets that are not capitalized are expensed in the year of acquisition. Elected Officials and Department Heads are responsible for maintaining an inventory of capital assets under their supervision in the manner prescribed in this Ordinance.
(Ord. 2026-O-4, passed 3-23-2026)

§ 4-5-1-4 CAPITALIZATION THRESHOLD AND INVENTORY

(A) Capitalization Threshold

i. To be considered a fixed asset for financial reporting purposes, an item must be at or above the capitalization threshold and have a cost greater than $5,000. The cost of the asset will include all expenses necessary to make the asset fully operational. Assets acquired through lease purchase agreements that meet these specifications are to be capitalized. The cost will be determined as the present value or discounted value of the future stream of lease payments, and not the total lease.

ii. Capital assets are recorded at actual cost. Typically, the cost recorded is the purchase price or construction cost of the asset, but may also include any other reasonable and necessary costs incurred to place the asset in its intended location and intended use.
iii. Donated or contributed assets should be recorded at the fair market value on the date donated.
iv. If no cost is available for a fixed asset, a replacement cost or historic cost index may be used. Items that do not meet the definition of a capital assets are to be expensed in the year the asset is acquired.

(B) Capital Assets Valuation

Capital assets are defined by the following categories:

i. Land – land is defined as specified land, lots, parcels, or acreage including rights of way owned by Johnson County.
ii. Buildings and Improvements – all structures designed and erected to house equipment, services, or functions are included. This includes systems and fixtures within the buildings. Plumbing systems, lighting systems, heating, cooling, ventilation and air systems, sound systems, surveillance systems, elevators, and other fixed equipment are included as building components.
iii. Equipment – equipment includes all other types of physical property, including mechanical equipment, office furniture, appliances, and furnishings. Supplies that typically get used within one year are not included.
iv. Vehicles – motor vehicles include all vehicles for which title and license must be obtained including cars, trucks, buses, trailers, dump trucks, and highway trucks. Vehicle accessories will be identified as a component assets of the vehicle to which they are attached.
v. Infrastructure – infrastructure assets are long-lived capital assets that normally can be preserved for a significantly greater number of years than most capital and that are normally stationary in nature. Examples include road, bridges storm water, and drainage systems.

(C) Responsibilities for Inventory and Reporting of Capital Assets

i. Elected Officials and Department Heads are the stewards for each piece of property utilized by their department. They are responsible for recording the receipt of the asset and ensuring that the asset is used for the purpose for which it was acquired and that there is no personal or unauthorized use. The Elected Official or Department Head is responsible for reporting any loss, theft, or damage to the assets.
ii. Elected Officials and Department Heads are responsible for maintaining inventories of all capital assets. They are responsible for reporting newly acquired, retired, and transferred assets, as well as those previously in use that were not included in the County's inventory list prior to the adoption of this Ordinance. Elected Officials and Department Heads are responsible for meeting with the Auditor's Office for the proper preparation of capital asset and annual financial reports. Inventories must be submitted to the Johnson County Board of Commissioners and Auditor by the first Friday of the first full week in January every two years beginning in 2027 and continuing every odd year thereafter.
iii. Departments with sensitive assets that fall below the capitalization threshold must still inventory and report these items to the Auditor. Sensitive assets include, but are not limited to, weapons, radios, computers, chain saws, small motor equipment and power tools.

(D) Responsibilities of the County Auditor's Office

The Johnson County Auditor's Office is responsible for reporting the inventories provided by departments within the County's annual financial report. Elected Officials and Department heads must keep their inventories up to date to ensure that the financial information the Auditor reports is accurate.

(Ord. 2026-O-4, passed 3-23-2026)

§ 4-5-1-5 DEPRECIATION

Johnson County will depreciate capital assets by using the straight-line method. Assets will be depreciated based on the estimated useful life of each asset.

The following are estimated useful lives for each asset class:

1. Buildings – 50 years
2. Infrastructure – 50 years
3. Building components and improvements – 20 years
4. Machinery and equipment – 5-15 years
5. Car – 5 years
6. SUV – 10 years
7. Large Trucks – 15 years

(Ord. 2026-O-4, passed 3-23-2026)

§ 4-5-1-6 MATERIALITY THRESHOLD FOR IRREGULARITIES

All incidents of irregular variance, loss, shortage, or theft of assets with a value of one dollar ($1.00) or more shall be reported to the State Board of Accounts.
(Ord. 2016-06, passed 5-23-2016, Ord. 2026-O-4, passed 3-23-2026)

§ 4-5-1-7 ACTUAL KNOWLEDGE OF MISAPPROPRIATION OF PUBLIC FUNDS

Notwithstanding any of the foregoing, public officials and employees with actual knowledge or reasonable cause to believe that there has been a misappropriation of funds shall follow the procedures set forth in IC § 5-11-1-27(l). There is no materiality threshold applicable to IC § 5-11-1-27(l).
Ord. 2016-06, passed 5-23-2016, Ord. 2026-O-4, passed 3-23-2026)

§ 4-5-1-8 EFFECTIVE DATE

This Ordinance shall be in full force and effect on May 23, 2016, and shall supersede all existing oral or written policies and procedures.
(Ord. 2016-06, passed 5-23-2016, Ord. 2026-O-4, passed 3-23-2026)

ARTICLE 6: CONFLICT OF INTEREST

Section

Chapter 1: Conflict of Interest
4-6-1-1 Conflict of Interest Policy

Chapter 2: Returned Check Fees
4-6-2-1 Surcharge After Dishonor
4-6-2-2 Method of Payment
4-6-2-3 Personal Liability
4-6-2-4 Permit Termination

4-6-2-5 Other Remedies
4-6-2-6 Inconsistent Ordinance Provisions

CHAPTER 1: CONFLICT OF INTEREST

§ 4-6-1-1 CONFLICT OF INTEREST POLICY

Employees, officers, or agents of Johnson County who are involved in the selection, award, or discretionary administration of a contract shall neither solicit nor accept gratuities, favors, or anything of monetary value from consultants, potential consultants, or parties to sub-agreements, except that they may continue to accept salary, other employment benefits from their consultant employer, unsolicited items of nominal value, and gratuities, favors, or gifts of a value that are not substantial, which shall be defined as Two Hundred Dollars ($200) or less. Gratuities include invitations to events where business is often conducted and items customarily conveyed therein, including but not limited to dinners, conferences, and golf outings at which County officials and employees may be guests of vendors that do business with the County. This Ordinance shall be published in the Johnson County, Indiana Employee Handbook and is effective immediately.
(Ord. 2017-O-8, passed 9-11-2017)

CHAPTER 2: RETURNED CHECK FEES

§ 4-6-2-1 SURCHARGE AFTER DISHONOR

Any person or entity who presents a check to any Johnson County Government office or department, which is dishonored by the presenting bank shall pay:

(A) The amount for which the check is written;
(B) An insufficient funds fee in the amount of Twenty Dollars ($20.00); and
(C) An amount equal to the actual charge by the depository institution.

for each dishonored instrument.
(Ord. 2018-O-6, passed 8-13-2018)

§ 4-6-2-2 METHOD OF PAYMENT

The amounts due under this Chapter must be paid by cash or certified funds.
(Ord. 2018-O-6, passed 8-13-2018)

§ 4-6-2-3 PERSONAL LIABILITY

Any person who signs a check of a corporation, partnership, or other business entity knowing that it will be dishonored shall be personally liable for the payment of the check.
(Ord. 2018-O-6, passed 8-13-2018)

§ 4-6-2-4 PERMIT TERMINATION

Any permit or privilege issued or granted by the County resulting from payment by a check which is dishonored shall be immediately terminated upon receipt by County of the notice of dishonor, and shall not be reinstated until the amounts due under this Chapter are paid.

(Ord. 2018-O-6, passed 8-13-2018)

§ 4-6-2-5 OTHER REMEDIES

The County may, in addition to the remedies in this Chapter, collect any and all sums, including reasonable attorney's fees set forth in IC § 26-2-7-5, and may deliver the check to the Johnson County Prosecutor to explore any and all other remedies provided by law. These remedies shall be cumulative.
(Ord. 2018-O-6, passed 8-13-2018)

§ 4-6-2-6 INCONSISTENT ORDINANCE PROVISIONS

Any and all County ordinances that are inconsistent with this Chapter are hereby repealed, and amended to be consistent with this Chapter.
(Ord. 2018-O-6, passed 8-13-2018)

ARTICLE 7: PUBLIC RECORDS

Section

Chapter 1: Use of Public Records
4-7-1-1 Prohibition on Use for Commercial Purposes

CHAPTER 1: USE OF PUBLIC RECORDS

§ 4-7-1-1 PROHIBITION ON USE FOR COMMERCIAL PURPOSES.

Any individual or entity receiving public records or information, pursuant to a request made under Indiana Code §5-14-3-3(d), shall not use the records or information for commercial purposes.

This prohibition does **not** apply to the use of such records in connection with the preparation of news, the use for nonprofit activities, or for academic research.
(Ord. 2019-O-6, passed 10-14-2019)

TITLE 5: PUBLIC PURCHASING

Article

1. PURCHASING GUIDELINES

ARTICLE 1: PURCHASING GUIDELINES

Section

Chapter 1: Purchase of Supplies in the County
5-1-1-1 General provisions

Chapter 2: Purchasing Agent
5-1-1-1 General provisions

Chapter 3: Purchasing Rules
5-1-3-1 Protection of offers; documents; public records
5-1-3-2 Offerors; request for proposals
5-1-3-3 Delay of opening offers
5-1-3-4 Financial responsibility; evidence of
5-1-3-5 Contracts; modification and termination of
5-1-3-6 Purchase of services

Chapter 4: Purchasing Guidelines
5-1-1-1 General Provisions for Non Federal Purchasing
5-1-1-2 Federal Procurement Methods
5-1-1-3 Federal Purchasing Compliance
5-1-1-4 Federal Purchasing Contract Provisions
5-1-1-5 Federal Allowable Cost Policy

CHAPTER 1: PURCHASE OF SUPPLIES IN THE COUNTY

§ 5-1-1-1 GENERAL PROVISIONS.

Supplies manufactured in the United States shall be specified for all County purchases and shall be purchased unless the County determines that:

(A) The supplies are not manufactured in the United States in reasonably available quantities;

(B) The prices of the supplies manufactured in the United States exceed by an unreasonable amount the prices of available and comparable supplies manufactured elsewhere;

(C) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

(D) The purchase of supplies manufactured in the United States is not in the public interest.

(Ord. 98-6, passed 7-20-1998)

CHAPTER 2: PURCHASING AGENT

§ 5-1-2-1 GENERAL PROVISIONS.

(A) The County Board of Commissioners is the purchasing agency for the County.

(B) The County Board of Commissioners designates the following persons to serve as purchasing agents for the County:
(1) Each elected County and township official;
(2) Each circuit, superior, and County court judge; and
(3) The County employees as are designated from time to time, in writing.

(Ord. 98-7, passed 7-20-1998)

CHAPTER 3: PURCHASING RULES

§ 5-1-3-1 PROTECTION OF OFFERS; DOCUMENTS; PUBLIC RECORDS.

(A) *Protection of offers prior to opening*. The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.

(B) *Unobstructed evaluation of offers*. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

(C) *Public records status of bids*. Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.

(D) *Register of proposals*. The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

(Ord. 98-9, passed 9-8-1998)

§ 5-1-3-2 OFFERORS; REQUEST FOR PROPOSALS.

The purchasing agent may conduct discussions with, and best and final offers may be obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award. (Ord. 98-9, passed 9-8-1998)

§ 5-1-3-3 DELAY OF OPENING OFFERS.

When the County Board of Commissioners makes a written determination that it is in the County's best interests, offers may be opened after the time stated in the solicitation. The date, time, and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening. (Ord. 98-9, passed 9-8-1998)

§ 5-1-3-4 FINANCIAL RESPONSIBILITY; EVIDENCE OF.

(A) *Purchase less than $25,000.* The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than $25,000.

(B) *Purchases between $25,000 and $100,000.* The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is

required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(C) *Purchases over $100,000.* The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(D) *Small business set-asides.* The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.

(Ord. 98-9, passed 9-8-1998)

§ 5-1-3-5 CONTRACTS; MODIFICATION AND TERMINATION OF

(A) *Price adjustments.* The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

(1) Price adjustment must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;

(2) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

(3) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

(4) Price adjustments must be computed in such a manner as the contracting parties may mutually agree upon; or

(5) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

(B) *Adjustments in time of performance.* The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

(C) *Unilateral rights of County.* The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the County to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(D) *Quantity variations.* The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

(Ord. 98-9, passed 9-8-1998)

§ 5-1-3-6 PURCHASE OF SERVICES.

The County determines that each County agency, department, office, and elected County and township official may purchase services in whatever manner the County Board of Commissioners determines to be reasonable. (Ord. 98-9, passed 9-8-1998)

CHAPTER 4: PURCHASING GUIDELINES

§ 5-1-4-1 GENERAL PROVISIONS FOR NON FEDERAL PURCHASING

(A*) Purchases under $50,000*. An authorized purchasing agent may purchase supplies with an estimated cost of less than $50,000 on the open market without inviting or receiving quotes or bids, pursuant to I.C. 5-22-8-2.

(B) *Purchases between $50,000 and $150,000*.

(1) An authorized purchasing agent may purchase supplies between $50,000 and $150,000, pursuant to I.C. 5-22-8-3, by inviting quotes from at least three persons known to deal in the lines or classes of supplies, goods, or materials to be purchased.

(2) With respect to purchases falling with this subsection (C):

(a) The purchasing agent shall mail an invitation to quote to the persons known to deal in the lines or classes of supplies, goods, or materials to be purchased at least seven days before the time fixed for receiving quotes;

(b) If the purchasing agent receives a satisfactory quote, the purchasing agent shall award a contract to the lowest responsible and responsive offeror for each line or class of supplies, goods, or materials required;

(c) The purchasing agent may reject all quotes; and

(d) If the purchasing agent does not receive a quote from a responsible and responsive offeror, the purchasing agent may purchase the supplies, goods, or materials under the special purchase provisions of the I.C. 5-22-10.

(Ord. 07-20, passed 8-20-2007, amended by Ord. 2023-O-23, passed 9-25-23)

§ 5-1-4-2 FEDERAL PROCUREMENT METHODS

In compliance with 2 CFR 200.320, the County adopts the following methods of procurement to be used for the acquisition of property or services required under a Federal award or sub-award.

(A) *Simplified acquisition threshold*. The County adopts the Federal Simplified Acquisition Threshold (SAT).

(B) *Bonding Requirements*. All contracts for construction or facility improvement contracts or subcontracts exceeding the SAT shall meet the following requirements:

a. Each bidder shall provide a bid guarantee equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

b. Successful bidders shall, prior to contract execution, provide a performance bond for 100 percent of the contract price to secure fulfillment of contractor's obligations under such contract.
c. Successful bidders shall also provide, prior to contract execution, a payment bond for 100 percent of the contract price to ensure payment to persons supplying labor and materials under the contract.
d. All bonds shall be issued by reputable and financial sound bonding companies licensed to do business in the State of Indiana.

(C) *Informal procurement*. When the value of the procurement for property or services under a federal award does not exceed the SAT, as defined by Federal law, formal procurement methods are not required. The County may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

a. *Micro-purchases*
    i. **Distribution**. The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold established by Federal law. To the maximum extent practicable, the County should distribute micro-purchases equitably among qualified suppliers.
    ii. **Micro-purchase awards**. Micro-purchases may be awarded without soliciting competitive price or rate quotations if the County considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly.
    iii. **Micro-purchase thresholds**. The County adopts the federally determined threshold for micro purchases, reserving the right to increase the threshold based on an evaluation of risk.
b. *Small purchases*
    i. **Small purchase procedures**. The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. Price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the County Council.

(D) *Formal procurement*. When the value of the procurement for property or services under a federal financial assistance award exceeds the SAT, formal procurement methods are required. Formal procurement methods require following documented procedures and public advertising unless a non-competitive procurement can be used in accordance with Federal law. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold:

a. *Sealed bids*. Bids shall be publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.
b. *Sealed bids applicability*. Sealed bids will be used when the following conditions are present:
    i. A complete, adequate, and realistic specification or purchase description;
    ii. Two or more responsible bidders are willing and able to compete effectively for the business; and

iii. A firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

c. *Sealed bid requirements.* If sealed bids are used, the following requirements apply:
   i. Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
   ii. The invitation for bids, which will include any specifications and pertinent attaclm1ents, must define the items or services in order for the bidder to properly respond;
   iii. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
   iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
   v. Any or all bids may be rejected if there is a sound documented reason.

(E) *Proposals*. A procurement method in which either a fixed price or cost reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:
   a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
   b. The County will hire experts to provide technical evaluations of the proposals received and advice making selections;
   c. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the County, with price and other factors considered; and
   d. The County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E).
      i. (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort.

(F) *Noncompetitive procurement*. There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:
   a. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;
   b. The item is available only from a single source;
   c. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;

d. The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the County; or
e. After solicitation of a number of sources, competition is determined inadequate.

(Ord. 2023-O-23, passed 9-25-23)

§ 5-1-4-3 FEDERAL PURCHASING COMPLIANCE

Federal law imposes particular requirements on the use of federal grants. The following purchasing compliance policy is designed to ensure that the County complies with those requirements. Individual federal grants may contain further requirements that are unique to those grants and in addition to the requirements of this policy. The following apply to all activities of the county, the county's employees, agents, subgrantees, and contractors in relationship to activities involving federal grants in compliance with 2 CFR 200.318 *et. seq*.

(A) All recipients, officers, agents, employees, and independent contractors and subgrantees will comply with the laws, rules, and regulations of the federal and state government.
(B) Contracts shall be made only with reasonable contractors, who possess a potential ability to perform successfully under the terms and conditions of the proposed procurement
(C) All procurement transactions shall be conducted in a manner providing full and open competition. Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals shall be excluded from competing for such procurements.
(D) Procurement actions shall be reviewed by the Johnson County Board of Commissioners to avoid purchasing unnecessary or duplicative items. Where appropriate, the board will make an analysis of lease and purchase alternatives to determine which would be the most economical.
(E) A system for contract administration shall be maintained to ensure the contractor's conformance with terms, conditions, and specifications of the contract.
(F) The County shall maintain records sufficient to detail the procurement history, including but not limited to, rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis of the contract price that shall be available upon request to the federal granting agency or the pass-through agency responsible for the funds provided to the County.
(G) All officers, employees, agents, and contractors of the county, in contracting with and expending federal grant funds, shall not solicit or accept gratuities, favors, or anything of monetary value from contractors or potential contractors.
(H) No employee, officer, or agent of the county shall participate in the selection, award, or administration of a contract supported by federal funds if the employer, officer, or agent of any member of the employer's, officer's, or agent's immediately family, partner, or an organization which employs any of such has a financial or other interest in the firm selected for award.
(I) The County shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.
(J) The County shall not restrict competition by placing unreasonable requirements on firms in order for them to qualify to do business, requiring unnecessary experience and excessive bonding, allow

noncompetitive pricing practices between firms or between affiliated companies, award noncompetitive contracts to consultants that are on retainer contracts, not preventing organizational conflicts of interest, specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement, or taking any arbitrary action in the procurement process.

(K) The county shall utilize small business and minority-owned business sources of supplies and services, where appropriate.

(L) When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(M) The cost plus a percentage of cost method of contracting shall not be permitted.

(Ord. 2023-O-23, passed 9-25-23)

§ 5-1-4-4 FEDERAL PURCHASING CONTRACT PROVISIONS

As applicable, contracts made by Johnson County, along with all related subcontracts, shall contain the following provisions:

(A) Contracts for amounts in excess of $10,000.00 shall contain suitable provisions for termination by the county, including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated because of circumstances beyond the control of the contractor.

(B) Contracts awarded by the county and its contractors and subgrantees having a value of more than $10,000.00 shall contain a provision requiring compliance with Executive Order 11246 entitled "Equal Opportunity," as amended by Executive Order 11375 and as implemented by regulations at 41 CFR Part 60.

(C) Contracts and subgrants for construction or repair shall include provisions for compliance with the Copeland Anti-Kickback Act, 18 USC 874, as supplemented in department of labor regulations, 29 CFR 3.

(D) When required by federal grant program legislation, all construction contracts awarded which are in excess of $2,000.00 shall contain a provision for compliance with the Davis-Bacon Act, 40 USC 276A-A7, as supplemented by department of labor regulations, 29 CFR 5.

(E) Contracts awarded in excess of $2,000.00 for construction contracts and in excess of $2,500.00 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act, 40 USC 327, as supplemented by department of labor regulations, 29 CFR 5.

(F) Contracts of amounts in excess of $10,000.00 shall include a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970.

(G) Contractors that apply or bid for an award exceeding $100,000 shall file the required Byrd Anti-Lobbying certification attesting that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 U.S.C. § 1352. Contractor shall also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award.

(H) Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention by 37 CFR part 401, "Rights to Inventions made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(I) No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with Executive Orders 12549 and 12689, "Debarment and Suspension." Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding their exclusion status and that of their principal employees.

(J) To the extent consistent with law, Johnson County and all subrecipients shall, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).

(K) The County may use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reduction.

(L) The County may use time and material type of contracts only after the department director determines that no other contract is suitable. Time and material contracts shall have a “not to exceed price” where the contractor exceeds at its own risk. Further, the department director shall assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(Ord. 2023-O-23, passed 9-25-23)

§ 5-1-4-5 FEDERAL ALLOWABLE COST POLICY

(A) *Factors affecting allowability of costs*. Federal grant fund awards may only be used for allowable costs. Allowable costs for all non-federal entities, other than for-profit entities and hospitals, are those costs consistent with the principles set out in 2 CFR 200, Subpart E, and those permitted by the grant program’s authorizing legislation. The fact that a cost requested in a budget is awarded, does not ensure a determination of allowability. To be allowable (see 2 CFR 200.403) under federal awards, costs must be reasonable, allocable, and necessary to the project, and they must also comply with the funding statute and agency requirements. To meet federal standards for allowability, a cost charged to an award must:

a. Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.

b. Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
c. Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.
d. Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
e. Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part.
f. Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period.
g. Be adequately documented.
h. Cost must be incurred during the approved budget period. The Federal awarding agency is authorized, at its discretion, to waive prior written approvals to carry forward unobligated balances to subsequent budget periods pursuant to § 200.308(e)(3).

(B) *Policy guide*. The application of these cost principles is based on the fundamental premises that:

a. The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
b. The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.
c. The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.
d. The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the Federal award.
e. In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered. See the definition of *indirect (facilities & administrative (F&A)) costs* in § 200.1 of this part.
f. For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.

g. The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award. See also § 200.307.

(C) *Reasonable costs*. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when the non-Federal entity is predominantly federally-funded. In determining reasonableness of a given cost, consideration must be given to:

a. Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award.
b. The restraints or requirements imposed by such factors as: sound business practices; arm's-length bargaining; Federal, state, local, tribal, and other laws and regulations; and terms and conditions of the Federal award.
c. Market prices for comparable goods or services for the geographic area.
d. Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the non-Federal entity, its employees, where applicable its students or membership, the public at large, and the Federal Government.
e. Whether the non-Federal entity significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the Federal award's cost.

(Ord. 2023-O-23, passed 9-25-23)

TITLE 6: COUNTY TAXATION

Article

1. JOHNSON COUNTY INNKEEPER'S TAX
2 REQUIREMENTS FOR PAYMENT OF PROPERTY TAX

ARTICLE 1: INNKEEPER'S TAX

Section

Chapter 1: Innkeeper's Tax

6-1-1-1 Establishment of Tax
6-1-1-2 Exceptions
6-1-1-3 Rate
6-1-1-4 Collection
6-1-1-5 Enforcement
6-1-1-6 Establishment of Convention, Visitor, and Tourism Fund
6-1-1-7 Purpose of Convention, Visitor, and Tourism Fund
6-1-1-8 Effective Date

Chapter 2: Establishment of Convention, Visitor, and Tourism Board
6-1-2-1 Composition
6-1-2-2 Term
6-1-2-3 Vacancies; Removal
6-1-2-4 Powers and Duties of the Convention, Visitor, and Tourism Board

CHAPTER 1: INNKEEPER'S TAX

§ 6-1-1-1 ESTABLISHMENT OF TAX.

An Innkeeper's Tax is hereby levied on every person, as defined by Indiana Code 6-2.5-1-3, engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

(A) hotel;
(B) motel;
(C) boat motel;
(D) inn;
(E) college or university memorial union;
(F) college or university residence hall or dormitory; or
(G) tourist cabin;

located in the county.
(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-2 EXCEPTIONS.

The Innkeeper's Tax does not apply to gross income received in a transaction in which:

(A) a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county; or
(B) a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-3 RATE.

The Innkeeper's Tax shall be levied at the rate of five percent (5%) on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under Indiana Code 6-2.5.
(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-4 COLLECTION.

The Innkeeper's Tax shall be paid monthly to the Johnson County Treasurer not more than twenty (20) days after the end of the month in which the tax is collected.

(Council Ord. 2015-03, passed 10-5-2015; amended by Council Ord. 2018-06, passed 7-9-2018)

§ 6-1-1-5 ENFORCEMENT.

All of the provisions of Indiana Code 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the Innkeeper's Tax except to the extent those provisions are in conflict or inconsistent with the specific provisions of Indiana Code 6-9-18 or the requirements of the Johnson County Treasurer.
(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-6 ESTABLISHMENT OF CONVENTION, VISITOR, AND TOURISM FUND.

The Johnson County Treasurer is directed to establish the Convention, Visitor, and Tourism Fund (Fund 7304 – Innkeeper's Tax Collections) in which all amounts received under this Ordinance shall be deposited.
(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-7 PURPOSE OF CONVENTION, VISITOR, AND TOURISM FUND.

Money in the Convention, Visitor, and Tourism Fund shall be used to promote and encourage conventions, visitors, and tourism within Johnson County. Such expenditures include, but are not limited to, expenditures for advertising, promotional activities, trade shows, special events, and recreation.
(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-8 EFFECTIVE DATE.

Any person, corporation, or other entity described in Section I of this Ordinance shall begin collection of the Innkeeper's Tax on January 1, 2016.
(Council Ord. 2015-03, passed 10-5-2015)

CHAPTER 2: ESTABLISHMENT OF CONVENTION, VISITOR, AND TOURISM BOARD

§ 6-1-2-1 COMPOSITION.

(A) The CVT Board shall consist of nine (9) Indiana residents, who shall be appointed as follows:
    (1) The County Commissioners shall appoint six (6) members; and
    (2) The Mayor of Greenwood, Indiana, shall appoint three (3) members.
(B) Five (5) members must be either engaged in the convention, visitor, or tourism business, or involved in promoting conventions, visitors, or tourism. A member appointed under this subsection need not be a Johnson County resident if the member is an owner or executive level employee of a convention, visitor, or tourism business that is located in Johnson County.
(C) If available and willing, at least two (2) members must be engaged in the business of renting rooms, lodging, or accommodations.
(D) No more than one member may be from the same business entity.

(E) Members shall not receive a salary, but may be reimbursed for expenses incurred in the performance of CVT Board duties.

(Ord. 2015-05, passed 12-14-2015; as amended by Ord. 2018-O-5, passed 6-25-2018)

§ 6-1-2-2 TERM.

CVT Board members shall be appointed for two-year terms, which begin on January 1. Initial appointments shall be staggered. Members are eligible for reappointment.

(Ord. 2015-05, passed 12-14-2015)

§ 6-1-2-3 VACANCIES; REMOVAL.

(A) If a vacancy occurs, the appointing authority shall appoint a new member to complete the term.
(B) If an initial appointment is not made by February 1, or within thirty (30) days of a vacancy, the CVT Board may vote to appoint a member.
(C) Members may be removed for cause by the member's appointing authority.
(Ord. 2015-05, passed 12-14-2015)

§ 6-1-2-4 POWERS AND DUTIES OF THE CONVENTION, VISITOR, AND TOURISM BOARD.

The CVT Board shall elect one (1) of its members president, another vice president, another secretary, and another treasurer.

The CVT Board may:

(A) accept and use gifts, grants, and contributions from any public or private source, under terms and conditions that the Board considers necessary and desirable;
(B) sue and be sued;
(C) enter into contracts and agreements, subject to approval by the Board of Commissioners;
(D) make rules necessary for the conduct of its business and the accomplishment of its purposes;
(E) receive and approve, alter, or reject requests and proposals for funding by corporations qualified under subdivision (F);
(F) after its approval of a proposal, transfer money, quarterly or less frequently, from the Convention, Visitor, and Tourism Fund ("Fund 7304"), or from money transferred from Fund 7304 to the CVT Board's treasurer under IC § 6-9-18- 4(b), to any Indiana not-for-profit corporation to promote and encourage conventions, visitors, or tourism in the county; and
(G) require financial or other reports from any corporation that receives monies from Fund 7304.

(Ord. 2015-05, passed 12-14-2015)

ARTICLE 2: REQUIREMENTS FOR PAYMENT OF PROPERTY TAX

Section

6-2-1-1 Definitions
6-2-1-2 Payment Methods
6-2-1-3 Copies of Tax Coupons

CHAPTER 2: REQUIREMENTS FOR PAYMENT OF PROPERTY TAX

§ 6-2-1-1 DEFINITIONS.

For the purposes of this Ordinance, the term taxpayer means any person, corporation, or other entity remitting payment for property taxes in Johnson County, Indiana, and shall include, but is not limited to, the following: property owners, title companies, mortgage holders, and property owner representatives.
(Ord. 2021-O-5, passed 4-27-2021)

§ 6-2-1-2 PAYMENT METHODS.

All Taxpayers who own or pay taxes for:
(A) More than ten (10) real estate parcels;
(B) More than ten (10) pieces of personal property; and/or
(C) More than ten (10) mobile homes
shall remit payment by one of the following methods:
(1) By including the current year remittance coupon issued by the Johnson County Treasurer's Office for each real estate parcel, personal property, and mobile home for which they are paying taxes; or
(2) By using the third party web-based property tax collection portals provided by the Johnson County Treasurer.
(Ord. 2021-O-5, passed 4-27-2021)

§ 6-2-1-3 COPIES OF TAX COUPONS.

Pursuant to Johnson County Council Ordinance 2012-02, copies of tax coupons may be obtained from the Johnson County Treasurer's Office at a cost of $2.00 per parcel.
(Ord. 2021-O-5, passed 4-27-2021)

TITLE 7.1: ALCOHOL AND TOBACCO

Article
1. **SMOKING AND TOBACCO USE**
2. **ALCOHOL BEVERAGE PERMITS**

ARTICLE 1: SMOKING AND TOBACCO USE

Section

Chapter 1: Smoking and Tobacco Use Regulations

7.1-1-1-1 Title
7.1-1-1-2 Findings and purpose
7.1-1-1-3 Definitions
7.1-1-1-4 Prohibition of smoking and tobacco use in public facilities owned or leased by Johnson County
7.1-1-1-5 Permitted at a reasonable distance
7.1-1-1-6 Posting of signs
7.1-1-1-7 Penalties
7.1-1-1-8 Effective date

CHAPTER 1: SMOKING AND TOBACCO USE REGULATIONS

§ 7.1-1-1-1 TITLE.

This chapter shall be known as the "Smoking and Tobacco Use Ordinance of Johnson County, Indiana." (Ord. 2001-12, passed 10-15-2001, amended by Ord. 2015-09, passed 12-22-2015)

§ 7.1-1-1-2 FINDINGS AND PURPOSE.

The Johnson County Board of Commissioners does hereby find that:

(A) Smoking and tobacco use is a cause of material annoyance, discomfort, and physical irritation to nonusers;

(B) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease, including lung cancer, in nonsmokers;

(C) The federal government acting through the Environmental Protection Agency has determined that secondhand tobacco smoke is a Group A carcinogen, which is hazardous to nonsmokers;

(D) The presence of any tobacco within the County buildings is detrimental to the health of nonusers;

(E) Early research has demonstrated that vapor from E-cigarettes may have the potential for exposure symptoms in both users and non-users;

(F) Pursuant to Indiana Code 7.1-15-12, the regulation of smoking and tobacco use within any enclosed area of a structure under the jurisdiction of the Johnson County Board of Commissioners is necessary to protect the health, welfare, comfort, and environment of nonusers; and

(G) Accordingly, the Johnson County Board of Commissioners finds and declares that the purposes of this chapter are:

(1) To protect the public health and welfare by prohibiting smoking and tobacco use in facilities owned or leased by the County; and

(2) To guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

(Ord. 2001-12, passed 10-15-2001; Ord. 2012-3, passed 6-25-2012, amended by Ord. 2015-09, passed 12-22-2015)

§ 7.1-1-1-3 DEFINITIONS.

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

E-CIGARETTE. Any electronic oral device, including one composed of a heating element, battery, and/or electronic circuit, which emits a vapor of nicotine or any other chemicals, the use of inhalation of which simulates smoking.

ENCLOSED AREA. All space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures.

SMOKING. Inhaling, exhaling, burning, holding, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other lighted smoking substance, including E-cigarettes.

TOBACCO USE. Chewing or any oral ingestion of tobacco products.
(Ord. 2001-12, passed 10-15-2001, amended by Ord. 2015-09, passed 12-22-2015)

§ 7.1-1-1-4 PROHIBITION OF SMOKING AND TOBACCO USE IN PUBLIC FACILITIES OWNED OR LEASED BY THE COUNTY.

Smoking and Tobacco Use shall be prohibited:

(A) Within any structure owned by the County, except private residences leased from the County;
(B) Within any structure leased by the County, providing that this prohibition shall apply only to those areas of the structure actually being leased by the County;
(C) Within 100 feet of the front main entrances to the County law enforcement facility (jail), Community Corrections building, and the County juvenile detention facility; and
(D) Polling places.

(Ord. 2001-12, passed 10-15-2001, amended by Ord. 2015-09, passed 12-22-2015)

§ 7.1-1-1-5 PERMITTED AT A REASONABLE DISTANCE.

Excepting the Johnson County law enforcement facility, Community Corrections building, and the County juvenile detention facility, tobacco use is prohibited inside of or within eight (8) feet outside of, any enclosed area of any structure under the jurisdiction of the County Board of Commissioners.
(Ord. 2001-12, passed 10-15-2001; Ord. 2012-3, passed 6-25-2012, amended by Ord. 2015-09, passed 12-22-2015)

§ 7.1-1-1-6 POSTING OF SIGNS.

(A) Sign reading “State Law Prohibits Smoking Within 8 feet of this Entrance” or other similar language shall be clearly, sufficiently, and conspicuously posted at every entrance to every building or other area where Smoking and Tobacco Use is prohibited by this chapter, by the public official having control over the building or other area.

(B) All ashtrays or other smoking/tobacco chewing paraphernalia shall be removed from any area where Smoking and Tobacco Use is prohibited by this chapter by the public official having control over the building or other area.

(Ord. 2001-12, passed 10-15-2001; Ord. 2012-3, passed 6-25-2012, amended by Ord. 2015-09, passed 12-22-2015)

§ 7.1-1-1-7 PENALTIES.

Persons violating the provisions of this chapter shall be subject to the penalty imposed for a Class B infraction, as set forth in I.C. 34-28-5-4(C), except that a person who smokes in an area where smoking is prohibited by this chapter commits Prohibited Smoking, a Class A infraction, if the person has been adjudged to have committed at least three (3) prior unrelated infractions under this chapter. Accordingly, this chapter shall be enforced by the provisions of I.C. 34-28-5.
(Ord. 2001-12, passed 10-15-2001; Ord. 2012-3, passed 6-25-2012)

§ 7.1-1-1-8 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after October 15, 2001, with its amendments hereto effective immediately after approval.
(Ord. 2001-12, passed 10-15-2001; Ord. 2012-3, passed 6-25-2012, amended by Ord. 2015-09, passed 12-22-2015)

ARTICLE 2: ALCOHOL BEVERAGE PERMITS

Section

Chapter 1: General Provisions
7.1-2-1-1 Permit fee

CHAPTER 1: GENERAL PROVISIONS

§ 7.1-2-1-1 PERMIT FEE.

(A) The County Board of Commissioners hereby adopts and approves a $100 administrative fee for the certification of alcoholic beverage permits by the County Surveyor, as required by state law, in order to reimburse the County for manpower, time, and costs directly attributable to the certification of these permits.

(B) The fee shall be payable by the applicant seeking the certification and permit before the Alcoholic Beverage Commission.

(C) The fees collected pursuant to this section are to be deposited in Fund 432, the County Surveyor's Certification of Alcoholic Beverage Permits Fund (JC Surveyor Certification ABPF). Appropriation of funds from this account is subject to County Council approval.

(Ord. 2009-01, passed 3-2-2009)

TITLE 8: UTILITIES AND TRANSPORTATION

Article

1. **SEWAGE DISPOSAL AND WASTEWATER DISPOSAL SYSTEMS**

2. **INDIANA AMERICAN WATER COMPANY, INC.; LICENSE, PERMIT AND FRANCHISE**

3. **REPEALED**

4. **REPEALED**

5. **DEPARTMENT OF STORMWATER MANAGEMENT**

6. **FEE SCHEDULE; DEPARTMENT OF STORMWATER MANAGEMENT**

7. **CABLE VIDEO SERVICE PROVIDERS; FRANCHISE, REGULATIONS**

8. **COMPREHENSIVE STORMWATER MANAGEMENT REGULATIONS**

ARTICLE 1: SEWAGE DISPOSAL AND WASTEWATER DISPOSAL SYSTEMS

Section

Chapter 1: On-Site Sewage Systems

8-1-1-1 Repealed
8-1-1-2 Authority
8-1-1-3 Definitions
8-1-1-4 General Provisions

Chapter 2: Wastewater Disposal Systems

8-1-2-1 General provisions

CHAPTER 1: ON-SITE SEWAGE SYSTEMS

§ 8-1-1-1 GENERAL PROVISIONS.

Repealed

(Ord. 84-2, passed 3-5-1984; Ord. 2005-19, passed 6-20-2005, repealed by Ord. 2024-O-5, passed 6-10-2024)

§ 8-1-1-2 AUTHORITY.

The Johnson County Health Department is hereby authorized under 410 I.A.C. 6-8.3 *et. seq*., **and 410 IAC 6-10.1 *et. seq.,*** to issue residential and commercial on-site sewage system permits, collect permit fees and penalties, perform inspections, hold hearings, order or otherwise compel correction of violations of this Ordinance, and is otherwise authorized to perform all actions necessary for the administration and enforcement of this Ordinance.

§ 8-1-1-3 DEFINITIONS.

All definitions included in Indiana Department of Health Rules 410 IAC 6-8.3 *et*. *seq*. and 410 IAC 6-10.1 *et. seq*. are hereby incorporated into this Ordinance. Supplementary to those definitions, this Ordinance defines:

Construction, New means

- Construction of a new home, residential outbuilding, or commercial facility where there previously was no home, outbuilding, or commercial facility.
- Replacing, rebuilding, or remodeling an existing home, residential outbuilding, or commercial facility when the design daily flow of the new structure(s) exceeds what was previously at the site.

Best judgment, as described in Rule 410 IAC 6-8.3 for replacement of failed soil absorption systems, shall not be used for new construction.

Construction, Repair/Replacement means repair or replacement of a residential on-site sewage system for an existing home, residential outbuilding, or commercial facility or the rebuilding or remodeling of an existing home, residential outbuilding, or commercial facility without an increase in the design daily flow of the project. In accordance with Rule 410 IAC 6-8.3, the best judgment of the Johnson County Health Department may be used, when necessary and appropriate, for the repair or replacement of a failing residential on-site sewage system.

Installer means any individual who performs any work in furtherance of construction, installation, replacement, alteration, repair, or abandonment of any residential or commercial on-site sewage system in Johnson County, State of Indiana.

Involuntary means a need to modify or improve a dwelling, residential outbuilding, or commercial facility due to factors outside of the owner's control, such as destruction by wind, fire, flood, or other natural disaster, or due to condemnation of a dwelling.

On-site sewage system malfunction or ***Malfunction*** means a residential or commercial on-site sewage system component that is not functioning in accordance with this Ordinance or per manufacturers' requirements. On-site sewage system malfunction does not have to meet the definition of on-site sewage system failure, but may also be a failure. Malfunction may include, but is not limited to, one (1) or more of the following:

- The backup of sewage into an upstream on-site sewage system component;
- The liquid level in a septic tank consistently above the invert of the septic tank outlet;
- An outlet filter that is plugged sufficiently to cause backup in the septic tank;
- The liquid level in a dosing tank above the invert of the dosing tank inlet;
- The liquid level in a treatment unit above that recommended by the manufacturer;

- The liquid level in a distribution box consistently above the invert of the outlets or a distribution box that does not provide equal distribution;
- Structural failure of a septic tank, dosing tank, treatment unit, distribution box or other required component;
- Electrical failure of a float, an effluent pump, alarm, or other electrical component of an on-site sewage system, or
- Removal of an outlet filter, effluent pump, or any other system component if that outlet filter, pump, or component was required in the construction or operating permit.

Voluntary means an owner's intentional or deliberate action to construct, modify, or improve a dwelling or residential outbuilding or increase the design daily flow of a structure.

§ 8-1-1-4 GENERAL PROVISIONS.

(A) Required On-Site Sewage System or Connection to Sanitary Sewer.

a. All persons owning, leasing, or otherwise occupying property that has a residence, residential outbuilding or commercial facility with plumbing not connected to sanitary sewer shall comply with the requirements of Rules 410 IAC 6-8.3 *et. seq*., 410 IAC 6-10.1 *et. seq*., and/or Bulletin S.E. 11 as applicable, and the provisions of this Ordinance for an on-site sewage system.

b. In the event of a residential or commercial on-site sewage system failure the residence, residential outbuilding, or commercial facility shall be required to make a direct connection to sanitary sewer, if the sanitary sewer is available within three hundred (300) feet of the affected property line and is available for connection at a construction cost and connection fee estimated not to exceed one hundred fifty percent (150%) of the cost estimated for installing an on-site sewage system to serve the residence, residential outbuilding or commercial facility.

(B) **Installer Registration**.

a. All on-site sewage system installers in Johnson County shall abide by all associated requirements in state statutes, rules, and this Ordinance regarding on-site sewage systems.

b. An installer must register with the Johnson County Health Department if they wish to install, replace, alter, repair, or abandon any residential or commercial on-site sewage system in Johnson County, Indiana. Registration requires:

   i. Applying to Johnson County Health Department for registration on a form provided by the department;

   ii. Paying the appropriate registration fee as required in the Johnson County Health Department Fee Ordinance, and

   iii. Providing proof of certification by

      1. Passing an examination offered by the Johnson County Health Department or another entity approved by the Johnson County Health Department; OR

      2. Providing proof of:

         a. Current, valid registration in another Indiana County;

         b. A certificate being issued from The Indiana Onsite Wastewater Professionals Association (IOWPA) for the type of system(s) to be installed; and

         c. Membership in good standing with IOWPA.

c. Registration is valid from January 1 to December 31 of the same year and must be renewed annually. Proof of continued registration in another county and/or certification is required for renewal of registration.
d. Certification must be maintained throughout the period of registration. A lapse of certification will render the registration with the Johnson County Health Department invalid.
e. A certification examination will be offered no less than monthly by the Johnson County Health Department.
    i. An examination fee as required in the Johnson County Health Department Fee Ordinance will be due prior to examination.
    ii. The test will consist of fifty (50) questions all of which will be true/false or multiple choice.
    iii. A Score of eighty percent (80%) or above is considered passing.
    iv. A retest will be allowed for anyone failing the test no more frequently than once per week.
f. A registered installer must be on-site during installation, repair, replacement, alteration, modification, or system abandonment and shall be deemed responsible for the work done.
g. A lapse of certification and/or registration or repeated violation of any state statute, rules, or this ordinance pertaining to on-site sewage systems may result in revocation of registration or denial of registration renewal. Any registration revocation or denial of registration renewal may be appealed to the Johnson County Board of Health.
    i. The period of revocation shall be no less than ninety (90) days, or a time period deemed appropriate by the Johnson County Health Officer; and
    ii. The registered individual shall be advised in writing for the basis of the revocation, the right and procedure for appeal and the opportunity for a hearing.

(C) **Sewage holding tanks**

a. A sewage holding tank is an alternative method of sewage disposal pursuant to IC 16-41-25-9.
b. An application must be filed by the property owner or property owner's agent including:
    i. An application form provided by the Johnson County Health Department;
    ii. A construction plan of sufficient clarity to show compliance with this Ordinance;
    iii. A copy of a written contract with an operator of a septage management vehicle providing for the removal of septage at regular intervals;
    iv. A written statement, signed by the property owner, indicating that copies of all receipts and other records as requested be submitted to the local health department within thirty (30) days of service; and
    v. For commercial sites where IDOH has completed plan review and approval for a commercial holding tank, a copy of the written approval from IDOH.
c. All sewage holding tanks shall:
    i. Have a minimum capacity of;
        1. For holding tanks that are permitted as septic and/or dosing tanks and planned to precede a soil absorption field, the minimum capacity as determined by Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1 for septic and/or dosing tanks.
        2. For Permanent holding tanks, the greater of
            a. one thousand (1,000) gallons; or
            b. at least three (3) times the design daily flow of the home or commercial structure as determined by Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1.

ii. Have a capacity of no more than 10,000 gallons.

d. A sewage holding tank shall meet all separation distances required for septic tanks in Rules 410 IAC 6-8.3 and 410 IAC 6-10.1.
e. A sewage holding tank shall meet all construction requirements of septic tanks in Rules 410 IAC 6-8.3 and 410 IAC 6-10.1.
f. All sewage holding tanks shall have at least one riser to the surface for ease in pumping the tank. A secondary childproof plug shall be installed under a safely secured riser lid.
g. A construction permit issued by the Johnson County Health Department is required prior to the installation of the holding tank or sewer.
h. A sewer, meeting the requirements for a residential sewer in Rule 410 IAC 6-8.3 or the requirements for a building sewer in Rule 410 IAC 6-10.1 shall be used to make a direct connection between the plumbing of the structure and the holding tank.
i. All sewage holding tanks installed in Johnson County shall have:
    i. an installation inspection to confirm proper installation and to confirm the outlet of the last tank has been appropriately sealed prior to backfilling; and
    ii. The alarm wired in and verified operational.
j. All holding tanks shall be required to have an operating permit issued by the Johnson County Health Department.
    i. The construction permit issued for the installation of the holding tank shall also serve as the operating permit for the first two (2) years of service.
    ii. An operating permit for a sewage holding tank shall be valid for a period of two (2) years from the date of issuance.
    iii. Prior to operating permit renewal, a registered installer must inspect the holding tank(s) for verification of proper operation of the tank and alarm system. An inspection report must be provided to the Johnson County Health Department prior to renewal.
    iv. An operating permit shall be renewed prior to, or within ten (10) days of, expiration.
    v. An operating permit fee as stated in the Johnson County Health Department Fee Ordinance shall be due at the time of operating permit renewal.
    vi. Upon sale of a property for which an operating permit is required, the operating permit shall not transfer to the new owner but shall remain active for sixty (60) days after the date of sale. The new owner shall apply for an operating permit within sixty (60) days of the date of sale.

k. All receipts from pumping and maintenance of a sewage holding tank and other documents for repair or modification of a sewage holding tank need to be submitted to the Johnson County Health Department within thirty (30) days of the service provided.
l. An operating permit not renewed within thirty (30) days of expiration, or a sewage holding tank not operated in a safe and sanitary manner, including receipts and other paperwork not submitted as required, is a violation of this Ordinance and may be subject to penalty as described in Section F of this Ordinance, permit revocation, and/or denial of operating permit renewal.
m. In the event that a sewage holding tank is not operated in a safe and sanitary manner and in accordance with IC 16-41-25-9 and this Ordinance, the Johnson County Health Department may require the residence, residential outbuilding, or commercial facility to:
    i. Connect to sanitary sewer if the sanitary sewer is available within three hundred (300) feet of the affected property line and is available for connection at a construction cost and connection fee estimated not to exceed one hundred fifty percent (150%) of the

cost estimated for installing an on-site sewage system to serve the residence, residential outbuilding or commercial facility; or

ii. Install an on-site sewage system with a soil absorption field in compliance with Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1 or connect to an existing on-site sewage system that has not failed.

n. Upon connection to an approved soil absorption field, as part of a full on-site sewage system, or sanitary sewer, the sewage holding tank shall be abandoned in accordance with the rules unless it will be converted for use as a septic tank or a dosing tank in an on-site sewage system.

(D) Connection or Reconnection to an existing on-site sewage system.

a. An existing residential or commercial on-site sewage system may be considered for connection or reconnection to a new or replacement dwelling, residential outbuilding, or commercial facility if:

i. The system is inspected by an installer registered with the Johnson County Health Department and found to consist minimally of a septic tank and a soil absorption field that has not failed or malfunctioned.

ii. Either:

1. The original system installation was permitted through the Johnson County Health Department; or
2. The original system was not permitted through the Johnson County Health Department, but a registered installer locates all components of the on-site sewage system, submits as-built plans and completes the IOWPA inspection form; and

iii. The existing system is appropriately sized for the structure to be served.

1. If the connection or reconnection is due to involuntary events, the Johnson County Health Department may utilize their best judgment for the soil absorption field when approving a connection or reconnection to an existing system.
2. If the connection or reconnection is due to voluntary events, the system being connected to must meet the requirements of the appropriate rule, unless the site meets the requirements of the definition of repair or replacement construction in this Ordinance.

b. All commercial facilities wanting to connect or reconnect to an existing on-site sewage system must have written approval from the IDOH.

c. A construction permit for connection or reconnection to an existing on-site sewage system shall be obtained prior to the start of construction of the residence, residential outbuilding, or commercial facility.

(E) **Enforcement.**

a. Whenever the Health Officer determines there are reasonable grounds to believe that there has been a violation of this Ordinance, Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1 the Johnson County Health Officer shall issue a Notice of Violation to the person or persons responsible, as hereafter provided. Such notice shall:

i. Indicate the date and location of the violation.

ii. Clearly indicate the nature of the violation and the related Ordinance, statute, and/or rule citation.

iii. Allow a reasonable time for the performance of necessary remediation.

iv. Be properly served upon the person(s) responsible. Proper service shall include any of the following:
    1. Sent to the person directly via first class mail;
    2. Sent by certified mail to the last known mailing address of the person;
    3. Posted in a conspicuous place in or about the property affected by the notice; or
    4. Other method of service authorized or required under the laws of this state.

b. After receiving an order in writing from the Johnson County Health Officer, the owner of the property shall comply with the provisions of this Ordinance and/or rule as set forth in said order and within the time limit specified therein. Said order shall be served on the owner but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of an order. Failure to comply with such order shall constitute a violation of this Ordinance and the violator shall be subject to the penalties as prescribed in Section F of this Ordinance.

c. The Johnson County Health Officer may compel an immediate stop work order of work completed, in progress, or planned, which is in violation of any provision(s) of this Ordinance. Such stop work order shall:
    i. Result in the immediate suspension of all work at the worksite; and
    ii. Be posted at the construction site and confirmed by written notice to the owner or occupant of the premises and any person engaged in the performance of said work or any person causing such work to be performed.
    iii. Failure to comply with such stop work order shall constitute a violation of this Ordinance and the violator shall be subject to the penalties as prescribed in Section F of this Ordinance.

d. Whenever the Johnson County Health Officer finds that an emergency exists which requires immediate action to protect public health, the Johnson County Health Officer may, without notice or hearing, issue an emergency order declaring the existence of such an emergency and require that action be taken as the Health Officer deems necessary. Notwithstanding the other provisions of this Ordinance, Rule 410 IAC 6-8.3, Rule 410 IAC 6-10.1, and Bulletin S.E. 11, such order shall be effective immediately.

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

(F) **Penalties**.

a. Any person, firm or entity found to be in violation of any provision of this Ordinance and/or rule shall be fined not more than twenty-five hundred dollars ($2,500.00). Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the Johnson County Health Department shall constitute a distinct and separate offense.

b. The Johnson County Health Department shall also be entitled to seek any other legal remedy available against any person who shall violate any provision of this Ordinance and/or rule.

c. The Johnson County Health Department shall be entitled to seek all legal fees incurred during enforcement of this Ordinance and/or rule.

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

(G) **Procedure for appeal.**

a. Appeals may be filed with the Johnson County Board of Health for any of the following decisions or actions taken by the Johnson County Health Officer:
    i. Denial of a permit to install, construct, reconnect, replace, alter or repair an on-site sewage system, holding tank, or sanitary vault privy;
    ii. Revocation of a permit;
    iii. The issuance of a notice of violation, a stop work order, or an emergency order as prescribed in Section E of this Ordinance;
    iv. Registration revocation, or duration of revocation, or denial of registration renewal as prescribed in Section B; or
    v. A penalty as prescribed in Section F.

b. Any person(s) filing such appeal shall be granted a hearing on the matter before the Johnson County Health Board. The request shall be in writing and received at the office of the Johnson County Health Department within ten (10) calendar days of receipt of the notice. If a request for hearing is not received within the ten (10) calendar days, the decision or action shall stand.

c. Such request shall briefly state the reasons for the requested hearing. Upon receipt of a request for a hearing, the Johnson County Health Officer 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 the request in compliance with IC 5-14-1.5-5 (Open Door Law).

e. At such hearing, the petitioner shall be given the opportunity to be heard and to show evidence as to why such decision or action should be modified or withdrawn. Additionally, the Health Officer shall be given time to explain the circumstances of the decision and/or action.

f. The proceedings at such hearing, including the findings and decision of the Johnson County Health Board, shall be summarized in the minutes of the hearing and entered as a matter of public record in the office of the Johnson County Health Department. In addition, all pertinent information including, but not limited to, permit application and written correspondence, shall be included in the public record. Any person may seek relief thereof from any court of competent jurisdiction as provided by the law of the state.

(H) **Remedies.**

a. Upon refusal or neglect of any person to correct an unlawful or unsanitary condition when the abatement of the condition has been ordered in writing by the Health Officer or an appeal against the decision and/or action has been sustained by the Health Board, the Health Officer may, through the office of the Johnson County attorney, or an attorney representing the Health Department, institute proceedings in the judicial court district wherein the offense occurs for enforcement by prohibitory or mandatory injunction to restrain any person from violating the provisions of this Ordinance.

(I) Fee Schedule

a. All applicable fees as set forth in the Johnson County Health Department Fee Ordinance and any amendments or revisions hereafter, shall be made payable to the Johnson County Health Department.

(J) **Conflict of Ordinance and Severability.**

a. In any case where a provision of this Ordinance is found to be in conflict with a provision of any code of Johnson County, Indiana, existing on the effective date of this Ordinance, the

provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of any other code of Johnson County, Indiana, existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

b. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to the end the provisions of this Ordinance are hereby declared to be severable

(Ord. 84-2, passed 3-5-1984; Ord. 2005-19, passed 6-20-2005, amended by Ord. 2024-O-5, passed 8-26-2024)

CHAPTER 2: WASTEWATER DISPOSAL SYSTEMS

§ 8-1-2-1 GENERAL PROVISIONS.

(A) The design, construction, installation, maintenance, and operation of commercial, small public, or place of business employment sewage disposal systems in the County shall be administered by the County Health Department through its Health Officer or his or her authorized representative(s).

(B) No person shall commence the construction of any commercial, small public, or place of employment sewage disposal system or commence any alteration, repair, or addition of an existing sewage disposal system until the owner or agent of the owner has first obtained a written permit signed by the Health Officer.

(C) The application shall be supplemented by any plans, specifications, and other information as deemed necessary by the Health Officer.

(D) The plans and specifications for all commercial, small public, and place of employment sewage disposal systems shall comply with the provisions of Indiana State Board of Health Bulletin S. E. 13, Planning Guide for Wastewater Disposal Systems.

(E) The permittee shall notify the Health Officer when work is ready for final inspection and before any underground portions are covered.

(F) The Health Officer or his or her authorized representative shall be permitted to enter upon all properties at the proper time for purposes of inspection, observation, measurement, sampling, and testing necessary to carry out the provisions of this section.

(G) The fee for a permit for the construction of commercial, small public, or place of business employment sewage disposal system is set out in a separate County ordinance.

(H) The fee for a permit to repair or add onto an existing sewage disposal system is set out in a separate County ordinance.

(I) Any person found to be violating any provision of this section may be served by the Health Officer with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.

(J) After receiving an order in writing from the County Health Department or the duly appointed Health Officer, the owner, agent of the owner, the occupant, or agent of the property shall comply with the provisions of this section as set forth in the order and within the time limit

included therein. The order shall be served on the owner or the owner and the occupant or on the agent of the owner, but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions or an order.

(K) If an applicant is refused a permit, the County Health Department shall, upon request, afford the applicant a fair hearing in accordance with the provisions of I.C. 4-21.5-5.

(L) The County Health Department may, after reasonable notice and opportunity for a fair hearing, in accordance with the provisions of I.C. 4-21.5-5, revoke a permit authorizing the construction of a sewage disposal system if it finds that the holder of the permit has failed to comply with any provision of this section.

(Ord. 84-3, passed 3-5-1984)

ARTICLE 2: INDIANA AMERICAN WATER COMPANY, INC.; LICENSE, PERMIT AND FRANCHISE

Section

Chapter 1: General Provisions

8-2-1-1 Purpose
8-2-1-2 Approval
8-2-1-3 Execution

CHAPTER 1: GENERAL PROVISIONS

§ 8-2-1-1 PURPOSE.

The purpose of this chapter is to grant to Indiana American Water Company, Inc. ("Indiana American") a supplemental license, permit, and franchise for the provision of water utility service in certain areas outside municipalities in the County and for the use of County roads, bridges, and other County property and rights-of-way in connection therewith, pursuant to the procedures prescribed and approved by the County Board of Commissioners this same date.
(Ord. 89-35, passed 10-30-1989)

§ 8-2-1-2 APPROVAL.

The license, permit and franchise to Indiana American Water Company Inc. attached hereto is hereby approved and granted at this regularly scheduled meeting of the Board held in conformity with the State Open Door Law, I.C. 5-14-1.5-1 *et seq*.
(Ord. 89-35, passed 10-30-1989)

§ 8-2-1-3 EXECUTION.

The members of the Board hereby evidence the granting of the license, permit and franchise by affixing their signatures to multiple counterparts thereof, one of which is hereby delivered to Indiana American Water Company Inc. Pursuant to § 8 thereof, the license, permit and franchise shall become effective upon its being approved by the State Utility Regulatory Commission or its acceptance by Indiana American Water Company Inc., whichever occurs later, without the need for further action by the County.
(Ord. 89-35, passed 10-30-1989)

ARTICLE 3: REPEALED

Chapter 1: General Provisions

8-3-1-1	Repealed
8-3-1-2	Repealed
8-3-1-3	Repealed
8-3-1-4	Repealed
8-3-1-5	Repealed
8-3-1-6	Repealed
8-3-1-7	Repealed
8-3-1-8	Repealed
8-3-1-9	Repealed
8-3-1-10	Repealed

Chapter 2: Specific Provisions

8-3-2-1	Repealed
8-3-2-2	Repealed
8-3-2-3	Repealed
8-3-2-4	Repealed
8-3-2-5	Repealed
8-3-2-6	Repealed
8-3-2-7	Repealed
8-3-2-8	Repealed
8-3-2-9	Repealed
8-3-2-10	Repealed
8-3-2-11	Repealed

CHAPTER 1: REPEALED

§ 8-3-1-1 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-1-2 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-1-3 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-1-4 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-1-5 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-1-6 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-1-7 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-1-8 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-1-9 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-1-10 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

CHAPTER 2: REPEALED

§ 8-3-2-1 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-2-2 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-2-3 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-2-4 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-2-5 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-2-6 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-2-7 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-2-8 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-2-9 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-2-10 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-3-2-11 REPEALED.

(Ord. 2006-16, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

ARTICLE 4: REPEALED

Section

Chapter 1: General Provisions

8-4-1-1 Repealed
8-4-1-2 Repealed
8-4-1-3 Repealed
8-4-1-4 Repealed
8-4-1-5 Repealed
8-4-1-6 Repealed
8-4-1-7 Repealed
8-4-1-8 Repealed
8-4-1-9 Repealed
8-4-1-10 Repealed
8-4-1-11 Repealed
8-4-1-12 Repealed
8-4-1-13 Repealed
8-4-1-14 Repealed
8-4-1-15 Repealed
8-4-1-16 Repealed
8-4-1-17 Repealed

CHAPTER 1: REPEALED

§ 8-4-1-1 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-2 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-3 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-4 REPEALED.

(A) (Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-5 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-6 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-7 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-8 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-9 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-10 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-11 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-12 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-13 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-14 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-15 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-16 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

§ 8-4-1-17 REPEALED.

(Ord. 2006-17, passed 10-16-2006, repealed by Ord. 2022-O-27, passed December 19, 2022.)

ARTICLE 5: DEPARTMENT OF STORMWATER MANAGEMENT

Section

Chapter 1: General Provisions
8-5-1-1 General provisions

CHAPTER 1: GENERAL PROVISIONS

§ 8-5-1-1 GENERAL PROVISIONS.

(A) Indiana Code 8-1.5-5 *et seq*. concerning "Storm Water Management Systems" is hereby adopted by the County Board of Commissioners, so as to make the Act and any and all amendments thereto effective and operative in the County.

(B) Pursuant to I.C. 8-1.5-5, a Department of Storm Water Management shall be and is hereby created.

(C) Pursuant to I.C. 8-1.5-5-4.5, the Board of Directors of the Department of Storm Water Management shall be the following four members: the three members of the County Executive and the County Surveyor.

(D) The term of the office of a member of the Board who is appointed from the membership of the County Executive is coextensive with the member's term of office on the County Executive.

(E) The term of the Surveyor or the Surveyor's designee as a member of the Board is coextensive with the Surveyor's term of office.

(F) Pursuant to I.C. 8-1.5-5-4.5(d), a member of the Board of Directors is not entitled to a salary or per diem for serving on the Board. However, a member shall be reimbursed for necessary expenses incurred by the member in the performance of his or her official duties.

(G) Pursuant to I.C. 8-1.5-5, there is hereby created a utility district which shall include all of the territory within the corporate boundaries of the County that is not located in a municipality.

(H) Funding of the Department of Storm Water Management, Funding for the Department of Storm Water Management's activities may include, but not be limited to, the following:

(1) Stormwater user's fees;

(2) Civil penalties and damage assessments imposed for or arising from the violation of the County's Storm Water Management Ordinances;

(3) Soil and erosion control plan permit fees;

(4) Compliance inspection fees;

(5) Taxes levied pursuant to I.C. 8-1.5-5 or other relevant authority;

(6) Revenue bonds issued pursuant to I.C. 8-1.5-5; and

(7) Other funds or income obtained from federal, state, local, and/or private sources as provided by law or from grants or revolving funds.

(I) Fees established:

(1) *Stormwater user's fee established*.

(a) There shall be imposed on each and every property in the County inside of White River Township and outside of a municipality, except specifically excluded, a stormwater user's fee, which shall be set from time to time by ordinance or resolution and in the manner and amount prescribed by this section.

(b) Prior to establishing or amending user's fees, the County shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the County pursuant to I.C. 5-3-1.

(2) *Soil and erosion control plan permit fee*.

(a) There shall be imposed on each and every property being developed in the County and outside of a municipality a soil and erosion control plan permit fee, which shall be set from time to time by ordinance or resolution and in the manner and amount prescribed by this chapter.

(b) Prior to establishing or amending the soil and erosion control plan permit fee, the County shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the County pursuant to I.C. 5-3-1.

(3) *Compliance inspection fee*.

(a) There shall be imposed on each and every property in the County outside of a municipality a compliance inspection fee for inspections necessitated because of a violation of any provision of this section, which shall be set from time to time by ordinance or resolution and in the manner and amount prescribed by this section.

(b) Prior to establishing or amending the compliance inspection fee, the County shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the County at least 30 days in advance of the meeting pursuant to I.C. 5-3-1; and

(J) The Storm Water Management Board shall prepare a budget for the operation of the Department on an annual basis.

(1) The budget shall set forth the estimated revenues and costs for operations and maintenance, extension and replacement, debt, and other revenue and costs provided by law.

(2) The budget shall contain funds to maintain the Indiana Municipal Separate Storm Sewer System (MS4)-NPDES Permitting Program 327 I.A.C. 15-13 and shall include but not be limited to:

(1) General administration;
(2) Public education and outreach;
(3) Public participation and involvement;
(4) Illicit discharge detection and elimination;
(5) Construction site runoff control;
(6) Post-construction site runoff control;
(7) Pollution prevention and good housekeeping; and
(8) Tracking and monitoring storm water quantity into the sanitary storm sewer system and into County legal drains.

(J) The budget shall be subject to approval by the County Council and any issuance of bonds or other methods for making capital improvements shall be approved by the Storm Water Management Board and the County Council as provided by law.

(K) Any County ordinance or provision of any ordinance in conflict with the provisions of this section is hereby repealed.

(L) The invalidity of any section, clause, sentence, or provision of this section shall not affect the validity of any other part of this section which can be given effect without the invalid part or parts.

(M) This section shall be in full force and effect from and after its adoption and approval by the County Board of Commissioners.

(Ord. 2007-27, passed 9-24-2007)

ARTICLE 6: FEE SCHEDULE; DEPARTMENT OF STORMWATER MANAGEMENT

Section

Chapter 1: General Provisions
8-6-1-1 Fee schedule

CHAPTER 1: GENERAL PROVISIONS

§ 8-6-1-1 FEE SCHEDULE.

STORMWATER PERMIT FEE SCHEDULE
RESIDENTIAL:

A. PROPERTY WITHIN A SUBDIVISION, DESIGNATED COUNTY MS4 AREA, or WHITE RIVER TOWNSHIP

NEW CONSTRUCTION; ALTERATION, REMODEL, REPAIR or ADDITION; ACCESSORY STRUCTURE or

ACCESSORY ADDITION……..... **50% building permit cost**

SWIMMING POOL: INGROUND or ABOVE GROUND…….. **$25**

CONCRETE DRIVEWAY, PATIO, SIDEWALK, GAME COURT..... **$25**
(No permit required for 100 sf or smaller.)

B. ALL OTHER RESIDENTIAL PROPERTY

LESS THAN ONE ACRE OF DISTURBED LAND…… **NOT REQUIRED**

ONE ACRE OR MORE OF DISTURBED LAND…… **$300 + $25 per acre**

NON-RESIDENTIAL:

A. PROPERTY WITHIN A COMMERCIAL SUBDIVISION, DESIGNATED COUNTY MS4 AREA, or WHITE RIVER TOWNSHIP

NEW CONSTRUCTION; ALTERATION, REMODEL, REPAIR or ADDITION; ACCESSORY STRUCTURE or ACCESSORY ADDITION; NON-BUILDING STRUCTURE:

(1) WITHIN COMMERCIAL SUBDIVISION…….. **50% cost (or waived cost) of building permit or ILP**

(2) NOT WITHIN COMMERICAL SUBDIVISION……. **75% cost (or waived cost) of building permit or ILP**

TENANT FINISH……..……. **NOT REQUIRED**

B. ALL OTHER NON-RESIDENTIAL PROPERTY

LESS THAN ONE ACRE OF DISTURBED LAND…… **NOT REQUIRED**

ONE ACRE OR MORE OF DISTURBED LAND…… **25% cost (or waived cost) of building permit or ILP + $100 per acre**

TENANT FINISH……..……. **NOT REQUIRED**

MISCELLANEOUS:

CONSTRUCTION PLANS FOR MAJOR RESIDENTIAL AND COMMERCIAL SUBDIVISIONS…….. **$500 + $10 per lot**

STOP WORK ORDER REINSTATEMENT……... **2X original fee, or $500, whichever is greater**

FINE FOR CONSTRUCTION UNDER STOP WORK ORDER……. **$300 per day**

NOTES:

- Permit fees will be tripled if improvement activity takes place prior to obtaining required permits
- Governmental and 501(c)(3) agencies pay full stormwater permit fees
- A nonsufficient funds fee, commensurate with the bank penalty, will be charged where applicable
- All waivers or refunds of stormwater permit fees are determined by the Johnson County Board of Commissioners

(Ord. 2007-33, passed 12-17-2007; Ord. 2008-14, passed 5-19-2008; amended by Ord. 2016-14, passed 11-14-2016)

ARTICLE 7: CABLE VIDEO SERVICE PROVIDERS; FRANCHISE, REGULATIONS

Section

Chapter 1: General Provisions

8-7-1-1 Definitions
8-7-1-2 Grant of Authority
8-7-1-3 Pole Use
8-7-1-4 Present Television Reception
8-7-1-5 Installation and Maintenance of Attachments
8-7-1-6 Pole Erection and Construction
8-7-1-7 Specifications
8-7-1-8 Relocation of Facilities
8-7-1-9 Tree Trimming
8-7-1-10 Damages
8-7-1-11 Insurance
8-7-1-12 Minimum System Service
8-7-1-13 Rates
8-7-1-14 Unauthorized Use of Service
8-7-1-15 Technical Standards
8-7-1-16 Police Power
8-7-1-17 Line Extension Policy
8-7-1-18 Payment
8-7-1-19 Purpose of Payment
8-7-1-20 Underground Facilities
8-7-1-21 Approval of Construction
8-7-1-22 Complaint Procedures
8-7-1-23 Service and System Maintenance
8-7-1-24 Compliance with State and Federal Law
8-7-1-25 Effective Date

8-7-1-26 Transfer of Franchise
8-7-1-27 Term of Franchise
8-7-1-28 Renewal of Franchise
8-7-1-29 Final Termination of the Franchise
8-7-1-30 Penalties
8-7-1-31 General Terms
8-7-1-32 Notices
8-7-1-33 Repealer
8-7-1-34 Effective Date

Chapter 1: General Provisions

§ 8-7-1-1 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

COUNTY is the County of Johnson County, Indiana.

COMPANY is the grantee of the rights under this Ordinance, having been granted a franchise from the Indiana Utility Regulatory Commission pursuant to IC § 8-1-34-16.

COMMISSIONERS are the Commissioners of Johnson County, Indiana.

PERSON is any person, firm, partnership, association, corporation or organization of any kind.

CABLE TELEVISION SYSTEM or ***SYSTEM*** means any facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable services which includes video programming and which is provided to multiple subscribers within the County, but such term does not include (a) facility that serves only to retransmit the television signals of one or more television stations; (b) a facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control or management, unless such facility or facilities use any public right-of-way; (c) a facility of a common carrier which is subject, in whole or in part to the provisions of Title II of the Communications Act of 1934, as amended, except that such facility shall be considered a cable system other than for purposes of Section 621(c) of the Cable Act to the extent such facility is used in the transmission of video programming directly to subscribers; or (d) any facilities of any electric utility used solely for operating its electric utility systems.

HOME means a separate housing unit which would normally provide for one family or individual. As such, apartment complexes, duplexes, condominium developments, etc. would be considered multiple home buildings. These multiple family buildings would represent a number equal to the number of individual home units within the multiple family buildings.

CABLE ACT means the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992 (P.L. 98-549) (47 U.S.C. Sec. 521 et seq.) and includes amendments hereinafter adopted or similar federal laws supplementing or superseding the same.

PUBLIC WAY means the surface and the area above and below the surface of any public street, highway, lane, alley, sidewalk, path, right-of-way or easement, and any public utility easement or right-of-way dedicated generally for public utility use.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-2 GRANT OF AUTHORITY

In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified, the right is hereby granted by the County to the Company and its successors and assigns to erect, maintain and operate a Cable Television System for the interception, sale and distribution of television, radio and other signals from the Company's antenna or studios to its subscribers, all in accordance with the laws and regulations of the United States of America, the State of Indiana, and the ordinances and regulations of Johnson County Indiana, and for this purpose the Company shall have the right to erect, maintain and operate its equipment in, upon, along, across, above, over and under the streets, alleys, easements, rights-of-way, public ways and public places now laid out or dedicated, and all extensions thereof and additions thereto in the County.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-3 POLE USE

The poles used for the distribution system of the Company shall be those erected and maintained by the authorized utility companies serving Johnson County. Where the use of poles owned by said public utilities is not practicable and rental agreements cannot be entered into with said public utilities, the Company shall have the right to erect and maintain its own poles, as such may be necessary for the proper construction and maintenance of the System; provided, however, that the Company shall obtain prior approval from the County as to the necessity for and location of any new poles to be erected.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-4 PRESENT TELEVISION RECEPTION

Installation shall be maintained in accordance with the existing requirements of the Federal Communications Commission in order to avoid interference with the present television reception in the areas served by the Company.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-5 INSTALLATION AND MAINTENANCE OF ATTACHMENTS

The Company shall, at its own expense, make and maintain its attachments in safe condition and in good repair.

In the maintenance and operation of its distribution system in the streets, alleys, easements, rights-of-way and other public places, and in the course of any new construction or additions to facilities, the Company shall proceed so as to cause the least possible inconvenience to the general public. Any streets, alleys, sidewalks or other public places disturbed or damaged in the construction or maintenance of the System shall be promptly repaired to its condition prior to such disturbance or damage to the reasonable satisfaction of the County by and at the expense of the Company.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-6 POLE ERECTION AND CONSTRUCTION

The Company's transmission and distribution system poles, and the wires and appurtenances thereon, shall be located, erected and maintained so as not to endanger or interfere with the lives of persons, or interfere with new improvements the County may deem proper to make, or hinder unnecessarily or obstruct the free use of streets, alleys, bridges or other public property. Removal of the Company's poles or rearrangement of the Company's facilities to avoid such interference will be at the Company's expense.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-7 SPECIFICATIONS

(A) The Company's poles, cables, wires and appliances, in each and every location, shall be erected and maintained in accordance with (1) such requirements and specifications of the County as contained herein, (2) requirements and specifications of the National Electrical Safety Code and the National Board of Fire Underwriters, (3) any amendments or revisions of said codes or practices and (4) in compliance with any rules or orders now in effect or that may hereafter be issued by any regulatory agency or other authority having jurisdiction in the State of Indiana.

(B) All installation of equipment shall be of a permanent nature and in accordance with good engineering practice. The Company's service drops shall be installed in a neat and workmanlike manner, including the house attachments, so as to preserve the best overall appearance of power, telephone and cable service drops through the air and attached to the buildings.

(C) In the event a subscriber discontinues cable television service and requests removal of the Company's service drop, such removal shall be accomplished in a neat and workmanlike manner at the Company's expense.

(D) The company shall grant to the County, free of expense, joint use of any and all poles owned by it for any proper municipal purpose acceptable to the Company, insofar as such use may be accomplished without interfering with the Company's free use and enjoyment of its own wires and fixtures; and the County shall hold the Company harmless from any and all actions, causes of actions or damage caused by placing, maintaining or replacing of the County's wires or appurtenances upon poles of the company. Proper regard shall be given to all existing safety rules governing construction and maintenance in effect at the time of construction.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-8 RELOCATION OF FACILITIES

In the event that at any time during the period of this Ordinance, the County shall elect to alter or change the grade of any streets, alleys or other public ways, the Company, upon reasonable notice by the County, shall remove, release and relocate its poles, wires, cables, underground conduits, manholes and other fixtures on the same basis as is applied to utility users utilizing the public ways.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-9 TREE TRIMMING

The Company shall have the authority to trim trees upon and overhanging streets, alleys, easements, sidewalks and public places of the County so as to prevent the branches of such trees from coming in contact with the cables and equipment of the Company, except that, at the option of the County, such trimming may be done by it or under its supervision and direction.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-10 DAMAGES

The Company shall exercise special precaution to avoid damages to facilities of the County on said poles; and hereby assumes all responsibility for and agrees to indemnify the County from and against any and all loss or damage, or claims therefor, resulting from the attachment to such poles of the Company's facilities and from any and all acts of negligence or misconduct or omissions of the Company in connection therewith. The Company shall make an immediate report to the County of the occurrence of any loss or damage and hereby agrees to pay the cost incurred in making repairs to such facilities of the County.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-11 INSURANCE

The Company shall indemnify, protect and save harmless the County from and against losses and physical damage to property, and bodily injury or death to persons, including payments made under workmen's compensation law, which may arise out of or be caused by the Company's negligence or misconduct in the erection, maintenance, presence, use or removal of the Company's equipment of any kind or nature whatsoever within the County, or by any act of negligence or misconduct of the Company, its agents or employees, in any way arising out of the construction, operation or maintenance of the Cable Television System.

The Company shall carry insurance to protect itself and the County from and against all claims, demands, actions, judgments, costs, expenses and liabilities which may arise or result, directly or indirectly, from or by reason of such loss, injury or damage. Such insurance policy shall specifically provide that the County shall be a named insured.

The amounts of such insurance against liability due to physical damage to property shall be not less than

Fifty Thousand Dollars ($50,000.00) as to any one claim and not less than Two Hundred Thousand Dollars ($200,000.00) aggregate in any single policy year; and against liability due to bodily injury or to death of persons, not less than One Hundred Thousand Dollars ($100,000.00) as to any one person, and not less than Three Hundred Thousand Dollars ($300,000.00) as to all such claims arising from any one accident. The Company shall also carry such insurance as it deems necessary to protect it and the County from all claims under the workman's compensation laws in effect that may be applicable to the Company. All insurance required by this Ordinance shall be and remain in ful force and effect for the entire period of this Ordinance. A certificate of insurance reflecting the coverage required herein shall be deposited with and kept on file by the Auditor of the County.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-12 MINIMUM SYSTEM SERVICE

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-13 RATES

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-14 UNAUTHORIZED USE OF SERVICE

Persons receiving cable television service may not alter, extend or otherwise tamper with the Company's facilities to serve more equipment than being contracted for.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-15 TECHNICAL STANDARDS

The Cable Television System shall comply with all applicable technical standards, rules and regulations of the Federal Communications Commission contained in 47 C.F.R. Sec. 76.605 as now in effect or as hereafter amended.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-16 POLICE POWER

The Company shall at all times during the life of this permit be subject to all lawful exercise of the police power of the County and to such reasonable regulation as the County shall hereafter by resolution or ordinance provide, provided however that such regulation shall not impair, conflict with or diminish the Company's rights granted herein.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-17 LINE EXTENSION POLICY

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-18 PAYMENT

(A) In consideration of the rights, privileges and franchise hereby granted and in compensation to the County for the use of its streets, alleys, easements, public ways and public places, Company agrees to pay to the County on a quarterly basis no later than forty-five (45) days after the end of the calendar quarter, pursuant to IC § 8-1-34-24(a), a video service provider fee that is calculated by applying a video service provider fee percentage of five percent (5%) to video service provider's annual gross revenues. The term "annual gross revenues" shall mean the definition adopted by Indiana through IC § 8-1-34-23(c)-(d).

(B) The video service provider fee percentage and IC § 8-1-34-23(c)-(d) definition of "gross revenues," as modified in this Ordinance, shall apply equally to all video service providers and cable television operators providing video service in the unincorporated areas of Johnson County

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-19 PURPOSE OF PAYMENT

The payments provided for in this Ordinance to be made to the County are in payment by the Company for the right to operate a Cable Television System within the County and for the use of the streets, alleys, easements, public ways and public places and additional supervision, maintenance, inspection, regulation, burdens and costs to the County occasioned by reason of the granting of the rights hereunder.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-20 UNDERGROUND FACILITIES

The Company, at its own expense, shall place its facilities underground in those areas of the County where all of the utilities are underground under the same terms and conditions as such utilities.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-21 APPROVAL OF CONSTRUCTION

Wherever in this Ordinance provision is made for approval of the Company's construction or facilities, such approval shall be given by the person designated by the County Board of Commissioners.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-22 COMPLAINT PROCEDURES

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-23 SERVICE AND SYSTEM MAINTENANCE

The Company shall, at its own expense, at all times maintain and furnish telephone answering service and system maintenance service to subscribers during reasonable regular business hours, The Company, in addition to having its telephone listed in the local telephone directory, shall advise each of its subscribers in writing of such a telephone number.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-24 COMPLIANCE WITH STATE AND FEDERAL LAW

(A) The Company shall conform to all laws, rules and regulations of the United States and of the State of Indiana in the construction and operation of its System. All rules and regulations of the Federal Communications Commission relating to Cable Television Services, as now enacted or subsequently amended, are incorporated herein by reference. The Company shall take such additional action as is necessary to incorporate formally in the terms of this franchise any modifications required by amendments of applicable federal and state laws, rules and regulations governing the contents of cable television franchises within one year of their adoption.

(B) This ordinance is in full compliance with the rules and regulations of the Federal Communications Commission relating to cable television franchises as now enacted.

(C) Nothing herein shall be construed to prohibit the Company from requesting a waiver of any state or federal rule or regulation, provided that a copy of such request shall be served upon the County.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-25 EFFECTIVE DATE

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-26 TRANSFER OF FRANCHISE

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-27 TERM OF FRANCHISE

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-28 RENEWAL OF FRANCHISE

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-29 FINAL TERMINATION OF THE FRANCHISE

Upon final termination of the franchise, the Company, if requested to do so by County, shall remove its cables, wires and equipment from all poles of the County and all space reserved for the County's use on poles belonging to others. If not so removed, the County shall have the right to remove or have its contractors remove them that the risk, cost and expense of the Company and without any liability therefor.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-30 PENALTIES

Any violation by the Company, of the material provisions of this franchise shall be cause for the forfeiture of this franchise and all rights hereunder, provided that the County shall first notify the Company in writing of the condition or act on which the violation is charged, and the Company shall have thirty (30) days from receipt of such written notice within which to remedy such conditions or act; and provided further, that should it be impossible to correct the said violation within said thirty (30) days, then the Company shall have a reasonable time to make said corrections. Failure to pay all monies due from the Company to the County hereunder after thirty (30) days from Company's receipt of written notice by the County to the Company shall be grounds for filing a formal appeal with the Indiana Utility Regulatory Commission.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-31 GENERAL TERMS

(A) Failure to enforce or insist upon compliance with any of the terms or conditions of this Ordinance shall not constitute a waiver or relinquishment of any such terms or conditions, but the same shall be and remain at all times in full force and effect.
(B) If any section, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional, such invalidity shall not affect the validity of the Ordinance and any portions in conflict are hereby repealed.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-32 NOTICES

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-33 REPEALER

All chapters or parts of chapters in conflict with provisions of this Chapter are hereby repealed.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-34 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law, effective on July 8, 2013.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

ARTICLE 8: COMPREHENSIVE STORMWATER MANAGEMENT REGULATIONS

Chapter 1: General Information

8-8-1-1 Authority and Title
8-8-1-2 Applicability and Exemptions
8-8-1-3 Findings
8-8-1-4 Purpose
8-8-1-5 Abbreviations and Definitions
8-8-1-6 Responsibility for Administration
8-8-1-7 Interpretation

8-8-1-8 Severability
8-8-1-9 Disclaimer of Liability

Chapter 2: Prohibited Discharges and Connections
8-8-2-1 Applicability and Exemptions
8-8-2-2 Prohibited Discharges and Connections
8-8-2-3 Exempted Discharges and Connections
8-8-2-4 Storage of Hazardous or Toxic Material
8-8-2-5 Private Property Maintenance Duties
8-8-2-6 Spill Reporting
8-8-2-7 Inspections and Monitoring

Chapter 3: Stormwater Quantity Management
8-8-3-1 Applicability and Exemptions
8-8-3-2 Policy on Stormwater Quantity Management
8-8-3-3 Calculations and Design Standards and Specifications
8-8-3-4 Drainage Easement Requirements
8-8-3-5 Inspection, Maintenance, Record Keeping, and Reporting

Chapter 4: Stormwater Pollution Prevention for Construction Sites
8-8-4-1 Applicability and Exemptions
8-8-4-2 Policy on Stormwater Pollution Prevention
8-8-4-3 Calculations and Design Standards and Specifications
8-8-4-4 Inspection, Maintenance, Record Keeping, and Reporting

Chapter 5: Stormwater Quality Management for Post-Construction
8-8-5-1 Applicability and Exemptions
8-8-5-2 Policy on Stormwater Quality Management
8-8-5-3 Calculations and Design Standards and Specifications
8-8-5-4 Easement Requirements
8-8-5-5 Inspection, Maintenance, Record Keeping, and Reporting

Chapter 6: Permit Requirements and Procedures
8-8-6-1 Conceptual Drainage Plan Review
8-8-6-2 Permit Procedures (one acre or more)
8-8-6-3 Information Requirements (one acre or more)
8-8-6-4 Permit Procedures (less than one acre)
8-8-6-5 Changes to Plans
8-8-6-6 Fee Structure
8-8-6-7 Required Assurances
8-8-6-8 Terms and Conditions of Permits
8-8-6-9 Certification of As-Built Plans
8-8-6-10 Post-Project Maintenance Bond and Verifications

Chapter 7: Compliance and Enforcement
8-8-7-1 Compliance With This Ordinance
8-8-7-2 Enforcement of This Ordinance
8-8-7-3 Cost of Abatement of the Violation
8-8-7-4 Appeals

CHAPTER 1: GENERAL INFORMATION

§ 8-8-1-1 Authority and Title

This Ordinance is adopted in accordance with statutory authority granted to Johnson County under "Home Rule", IC 36-9-27, IC 36-9-27.4, and all other statutes, rules or authority conferring authority upon Johnson County to adopt ordinances dealing with stormwater management, and further is required by Phase II of the National Pollutant Discharge Elimination System Stormwater program (40 CFR Parts 9, 122, 123, and 124; December 8, 1999) authorized by the 1987 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP), and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP). Based on this authority and these requirements, this Ordinance regulates:

i. Discharges of prohibited non-stormwater flows into the storm drain system.
ii. Stormwater drainage improvements related to development of lands located within Johnson County.
iii. Drainage control systems installed during new construction and grading of lots and other parcels of land.
iv. Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity.
v. Stormwater discharges from construction support activities directly related to construction sites subject to this ordinance.
vi. Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
vii. The design, construction, and maintenance of stormwater drainage facilities and systems.
viii. The design, construction, and maintenance of stormwater quality facilities and systems.

This Ordinance shall be known and may be cited as the Johnson County Comprehensive Stormwater Management Ordinance. Once adopted, this Ordinance will supersede any conflicting ordinances previously adopted by Johnson County.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-1-2 Applicability and Exemptions

This Ordinance shall regulate all development and redevelopment occurring within Johnson County. No building permit shall be issued and no land disturbance started for any construction in a development, as defined in Section 1(e), until the plans required by this Ordinance for such construction have been accepted in writing by Johnson County. Agricultural land-disturbing activities are exempt from this Ordinance.

In addition to the requirements of this Ordinance and its companion Stormwater Technical Standards Manual (Version 1.0, 2023), compliance with all applicable ordinances of Johnson County as well as with applicable Federal, State of Indiana, and other Local statues and regulations shall also be required. Johnson County capital improvement projects shall be required to obtain a permit, and are expected to meet all applicable technical requirements of this Ordinance and the Johnson County Stormwater Technical Standards Manual. If the project site is located within a Johnson County Regulated Drain Watershed, the applicant will need to check with the Johnson County Surveyor's Office to learn if additional Surveyor's Office requirements specific to that regulated drain would apply to the site. In case there are conflicts between the requirements contained in this Ordinance and applicable requirements contained in other regulatory documents referenced above, the most restrictive shall prevail.

Any construction project which has had its final drainage plan approved by the Johnson County Drainage Board within a 2-year period prior to the effective date of this Ordinance shall be exempt from all requirements of this Ordinance that are in excess of the requirements of ordinances in effect at the time of approval. Such an exemption is not applicable to the requirements detailed in Section 2 of this Ordinance.

The Johnson County Board of Commissioners has the authority to modify or amend this Ordinance. The Johnson County Drainage Board has the authority to grant exemptions, and/or waive any and all the requirements over matters that it exercises original jurisdiction over and nothing in this Ordinance shall be construed to limit the Johnson County Drainage Board's authority under I.C. § 36-9-27. A pre-submittal meeting with Johnson County may be requested by the applicant to discuss the applicability of various provisions of the Ordinance and its associated technical standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of Johnson County that may be based on the review of more detailed information and plans.

Should there arise any conflicts between this Article and the Johnson County Subdivision Control Ordinance, this Article shall control.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-1-3 Findings

Johnson County Board of Commissioners finds that:

1. Water bodies, roadways, structures, and other property within Johnson County or its planning jurisdiction boundary are at times subjected to flooding;
2. Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region;

3. Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;
4. Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes, and reservoirs;
5. Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within Johnson County will, absent reasonable regulation and control, adversely affect Johnson County's water bodies and water resources;
6. Pollutant contributions from illicit discharges within Johnson County will, absent reasonable regulation, monitoring, and enforcement, adversely affect Johnson County's water bodies and water resources;
7. Stormwater runoff, soil erosion, non-point source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management;
8. Adopting the standards, criteria, and procedures contained and referenced in this Ordinance and implementing the same will address many of the deleterious effects of stormwater runoff and illicit discharges;
9. Adopting this Ordinance is necessary for the preservation of the public health, safety, and welfare, for the conservation of natural resources, and for compliance with State and Federal regulations.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-1-4 Purpose

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of Johnson County through the regulation of stormwater and non-stormwater discharges to the storm drainage system and to protect, conserve and promote the orderly development of land and water resources within Johnson County. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the storm drain system. The objectives of this Ordinance are:

i. To reduce the hazard to public health and safety caused by excessive stormwater runoff.
ii. To regulate the contribution of pollutants to the storm drain system from construction site runoff.
iii. To regulate the contribution of pollutants to the storm drain system from runoff from new development and re-development.
iv. To prohibit illicit discharges into the storm drain system.
v. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-1-5 Abbreviations and Definitions

For the purpose of this Ordinance, the following abbreviations and definitions shall apply.

ABBREVIATIONS

BMP Best Management Practice

COE United States Army Corps of Engineers

CWA Clean Water Act

EPA Environmental Protection Agency

GIS Geographical Information System

IDEM Indiana Department of Environmental Management

MS4 Municipal Separate Storm Sewers

NRCS USDA-Natural Resources Conservation Service

NPDES National Pollution Discharge Elimination System

POTW Publicly Owned Treatment Works

SWCD Soil and Water Conservation District

SWPPP Stormwater Pollution Prevention Plan

USDA United States Department of Agriculture

USFWS United States Fish and Wildlife Service

DEFINITIONS

Agricultural land disturbing activity. Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile, excluding activity within a regulated drain easement.

Base Flow. Stream discharge derived from groundwater sources as differentiated from surface runoff. Sometimes considered to include flows from regulated lakes or reservoirs.

Best Management Practices. Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

Buffer Strip. An existing, variable width strip of vegetated land intended to protect water quality and habitat.

Capacity (of a Storm Drainage Facility). The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

Catch Basin. A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

Channel. A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

Comprehensive Stormwater Management. A comprehensive stormwater program for effective management of stormwater quantity and quality throughout the community.

Constructed Wetland. A manmade shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

Construction activity. Land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

Construction site access. A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

Construction Support Activities. Include but are not limited to the following: concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas. Such activities must not support multiple, unrelated projects, be a commercial/industrial operation, or continue to operate beyond the completion of the construction activity for the project it supports.

Contiguous. Adjoining or in actual contact with.

Contour. An imaginary line on the surface of the earth connecting points of the same elevation.

Contour Line. Line on a map which represents a contour or points of equal elevation.

Contractor or subcontractor. An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

Conveyance. Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

Cross Section. A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

Culvert. A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal

or other impediment.

Dechlorinated swimming pool discharge. Chlorinated water that has either sat idle for seven (7) days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

Design Storm. A selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.

Detention. Managing stormwater runoff by temporary holding and controlled release.

Detention Basin. A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

Detention Storage. The temporary detaining of storage of stormwater in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.

Detention Time. The theoretical time required to displace the contents of a tank or unit at a given rate of discharge (volume divided by rate of discharge).

Detritus. Dead or decaying organic matter; generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

Developer. Any person financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

Development. Any man-made change to improved or unimproved real estate including but not limited to:

i. Construction, reconstruction, or placement of a building or any addition to a building;
ii. Construction of flood control structures such as levees, dikes, dams or channel improvements;
iii. Construction or reconstruction of bridges or culverts;
iv. 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 hundred eight (180) days;
v. Installing utilities, erection of walls, construction of roads, or similar projects;
vi. Mining, dredging, filling, grading, excavation, or drilling operations;
vii. Storage of materials; or
viii. 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.

Discharge. Usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

Disposal. The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground water.

Ditch. A man-made, open watercourse in or into which excess surface water or groundwater drained from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

Drain. A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

Drainage. The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. Also see Natural drainage.

Drainage Area. The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.

Dry Well. A type of infiltration practice that allows stormwater runoff to flow directly into the ground via a bored or otherwise excavated opening in the ground surface.

Duration. The time period of a rainfall event.

Environment. The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

Erodibility Index (EI). The soil erodibility index (EI) provides a numerical expression of the potential for a soil to erode considering the physical and chemical properties of the soil and the climatic conditions where it is located. The higher the index, the greater the investment needed to maintain the sustainability of the soil resource base if intensively cropped. It is defined to be the maximum of (RxKxLS)/T (from the Universal Soil Loss Equation) and (CxI)/T (from the Wind Erosion Equation), where R is a measure of rainfall and runoff, K is a factor of the susceptibility of the soil to water erosion, LS is a measure of the combined effects of slope length and steepness, C is a climatic characterization of windspeed and surface soil moisture and I is a measure of the susceptibility of the soil to wind erosion. Erodibility Index scores equal to or greater than 8 are considered highly erodible land.

Erosion. The wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe different types of water erosion:

- *Accelerated erosion*--Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man.
- *Channel erosion* --An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.
- *Gully erosion* --An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1-2 ft. to as much as 75-100 ft.
- *Rill erosion*--An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see Rill).
- *Splash erosion*--The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff.
- *Sheet erosion*--The gradual removal of a fairly uniform layer of soil from the land surface by runoff water.

Erosion and sediment control. A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being

discharged from or within a project site.

Filter Strip. Usually a long, relatively narrow area (usually, 20-75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs, or adjacent properties.

Floatable. Any solid waste that will float on the surface of the water.

Flood (or Flood Waters). 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.

Floodplain. The channel proper and the areas adjoining the channel which have been or hereafter may be covered by the regulatory or 100-year flood. Any normally dry land area that is susceptible to being inundated by water from any natural source. The floodplain includes both the floodway and the floodway fringe districts.

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 flow of the regulatory flood of any river or stream.

Floodway Fringe. That portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.

Fluvial Erosion Hazard (FEH) Corridor. Fluvial Erosion Hazard corridors represent the areas along the streams (including the channel and immediate overbanks areas) that are believed to be subject to stream movement or streambank erosion. These corridors have been delineated for most actively migrating and relatively stationary streams in Indiana through an Indiana Silver Jackets initiative.

Footing Drain. A drain pipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

Garbage. All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

Gasoline outlet. An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create five thousand (5,000) or more square feet of impervious surface, or generate an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.

Geographical Information System. A computer system capable of assembling, storing, manipulation, and displaying geographically referenced information. This technology can be used for resource management and development planning.

Grade. (1) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance. (2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit. (3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth,

even condition.

Grading. The cutting and filling of the land surface to a desired slope or elevation.

Grass. A member of the botanical family Graminae, characterized by blade-like leaves that originate as a sheath wrapped around the stem.

Groundwater. Accumulation of underground water, natural or artificial. The term does not include manmade underground storage or conveyance structures.

Habitat. The environment in which the life needs of a plant or animal are supplied.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Highly Erodible Land (HEL). Land that has an erodibility index of eight or more.

Hot Spot Development. Projects involving land uses considered to be high pollutant producers such as vehicle service and maintenance facilities, vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

Hydrologic Unit Code. A numeric United States Geologic Survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code.

Hydrology. The science of the behavior of water in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

Illicit Discharge. Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs.

Impaired Waters. Waters that do not or are not expected to meet applicable water quality standards, as included on IDEM's CWA Section 303(d) List of Impaired Waters.

Impervious surface. Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

Individual building lot. A single parcel of land within a multi-parcel development.

Individual lot operator. A contractor or subcontractor working on an individual lot.

Individual lot owner. A person who has financial control of construction activities for an individual lot.

Infiltration. Passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of runoff through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

Inlet. An opening into a storm drain system for the entrance of surface stormwater runoff, more completely described as a storm drain inlet.

Land-disturbing Activity. Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading.

Land Surveyor. A person licensed under the laws of the State of Indiana to practice land surveying.

Larger common plan of development or sale. A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

Lowest Adjacent Grade. The elevation of the lowest grade adjacent to a structure, where the soil meets the foundation around the outside of the structure (including structural members such as basement walkout, patios, decks, porches, support posts or piers, and rim of the window well.

Lowest Floor. Refers to the lowest of the following:

i. The top of the basement floor;
ii. The top of the garage floor, if the garage is the lowest level of the building;
iii. The top of the first floor of buildings constructed on a slab or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
iv. 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:
    i. The walls are designed to automatically equalize the hydrostatic flod forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two opening (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.
    ii. Such enclosed space shall be usable only for the parking of vehicles or building access.

Manhole. Storm drain structure through which a person may enter to gain access to an underground storm drain or enclosed structure.

Measurable storm event. A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

Mulch. A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

Municipal Separate Storm Sewers. An MS4 meets all the following criteria: (1) is a conveyance or system of conveyances owned by the state, county, city, town, or other public entity; (2) discharges to waters of the U.S.; (3) is designed or used for collecting or conveying stormwater; (4) is not a combined sewer; and, (5) is not part of a Publicly Owned Treatment Works (POTW).

National Pollutant Discharge Elimination System. A permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

Natural Drainage. The flow patterns of stormwater runoff over the land in its pre-development state.

Nutrient(s). (1) A substance necessary for the growth and reproduction of organisms. (2) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and bacteria.

Open Drain. A natural watercourse or constructed open channel that conveys drainage water.

Open Space. Any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other manmade activities.

Outfall. The point, location, or structure where a pipe or open drain discharges to a receiving body of water.

Outlet. The point of water disposal from a stream, river, lake, tidewater, or artificial drain.

Peak Discharge (or Peak Flow). The maximum instantaneous flow from a given storm condition at a specific location.

Percolation. The movement of water through soil.

Permanent stabilization. The establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

Pervious. Allowing movement of water.

Point Source. Any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or maybe discharged (P.L. 92-500, Section 502[14]).

Pollutants. May include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind,

Porous pavement. A type of infiltration practice to improve the quality and reduce the quantity of stormwater runoff via the use of manmade, pervious pavement which allows runoff to percolate through the pavement and into underlying soils

Professional Engineer. A person licensed under the laws of the State of Indiana to practice professional engineering.

Project site. The entire area on which construction activity is to be performed.

Project site owner. The person required to submit a stormwater permit application, and required to comply with the terms of this ordinance, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

Rain garden. A vegetative practice used to alter impervious surfaces, such as roofs, into pervious surfaces for absorption and treatment of rainfall.

Receiving Stream, Receiving Channel, or Receiving Water. The body of water into which runoff or effluent is discharged. The term does not include private drains, unnamed conveyances, retention and detention basins, or constructed wetlands used as treatment.

Recharge. Replenishment of groundwater reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.

Redevelopment. Development occurring on a previously developed site.

Refueling area. An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

Regional Pond. A detention/retention basin sized to detain/retain the runoff from the entire watershed, on-site and off-site, tributary to the pond's outlet.

Regulatory Flood. The discharge or elevation associated with the 100-year flood as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The "regulatory flood" is also known as the "base flood".

Regulatory Floodway. See Floodway.

Release Rate. The amount of stormwater release from a stormwater control facility per unit of time.

Reservoir. A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

Retention. The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

Retention basin. A type of storage practice, that has no positive outlet, used to retain stormwater runoff for an indefinite amount of time. Runoff from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

Return Period. The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a one percent probability of being equaled or exceeded in any one year.

Riparian zone. Of, on, or pertaining to the banks of a stream, river, or pond.

Riparian habitat. A land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

Runoff. That portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

Runoff Coefficient. A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drain system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as stormwater runoff.

Sediment. Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

Sedimentation. The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

Sensitive Water. A waterbody is in need of priority protection or remediation based on its:

i. Providing habitat for threatened or endangered species,
ii. Usage as a public water supply intake,
iii. Relevant community value,
iv. Usage for full body contact recreation,
v. exceptional use classification as found in 327 IAC 2-1-11(b),
vi. Outstanding state resource water classification as found in 327 IAC 2-1-2(3) and 327 IAC 2-1.5-19(b).

Silvicultural. the practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values.

i. Nonpoint activities include source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. Some of these activities (such as stream crossing for roads) may involve the placement of dredged or fill material which may require a CWA section 404 permit and a 401 Water Quality Certification.
ii. Point source activities include any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States or the State.

Site. The entire area included in the legal description of the land on which land disturbing activity is to be performed.

Slope. Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise)--e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and Width (W) components for horizontal angles). Also note that according to international standards (Metric), the slopes are presented as the vertical or width component shown on the numerator--e.g., 1V:2H. Slope expressions in this Ordinance follow the common presentation of slopes--e.g., 2:1 with the metric presentation shown in parentheses--e.g., (1V:2H). Slopes can also be expressed in "percents". Slopes given in percents are always expressed as (100*V/H) --e.g., a 2:1 (1V:2H) slope is a 50% slope.

Soil. The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

Soil and Water Conservation District. A public organization created under state law as a special-purpose district to develop and carry out a program of soil, water, and related resource conservation, use, and development within its boundaries. A subdivision of state government with a local governing body, established under IC 14-32.

Solid Waste. Any garbage, refuse, debris, or other discarded material.

Spill. The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

Storm Duration. The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

Storm Event. An estimate of the expected amount of precipitation within a given period of time. For example, a 10-yr. frequency, 24-hr. duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hr. period.

Storm Sewer. A closed conduit for conveying collected stormwater, while excluding sewage and industrial wastes. Also called a storm drain.

Stormwater. Water resulting from rain, melting or melted snow, hail, or sleet.

Stormwater Management System. A collection of structural and non-structural practices and infrastructure designed to manage stormwater on a site. This system may include but is not limited to erosion control measures, storm drainage infrastructure, detention/retention facilities, and stormwater quality BMP's.

Stormwater Pollution Prevention Plan. A plan developed to minimize the impact of stormwater pollutants resulting from construction activities.

Stormwater Runoff. The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

Stormwater Quality Management Plan. A comprehensive written document that addresses stormwater runoff quality.

Stormwater Quality Measure. A practice, or a combination of practices, to control or minimize pollutants associated with stormwater runoff.

Stormwater Drainage System. All means, natural or man-made, used for conducting stormwater to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

Strip Development. A multi-lot project where building lots front on an existing road.

Subdivision, Major. Any land that is divided or proposed to be divided into four (4) or more lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

Subdivision, Minor. Any land that is divided or proposed to be divided into less than four (4) lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

Subsurface Drain. A pervious backfield trench, usually containing stone and perforated pipe, for intercepting groundwater or seepage.

Surface Runoff. Precipitation that flows onto the surfaces of roofs, streets, the ground, etc., and is not absorbed or retained by that surface but collects and runs off.

Swale. An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.

Temporary Stabilization. The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of seventy percent (70%) across the disturbed area.

Tile Drain. Pipe made of perforated plastic, burned clay, concrete, or similar material, laid to a designed grade and depth, to collect and carry excess water from the soil.

Topographic Map. Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

Topography. The representation of a portion of the earth's surface showing natural and man-made features of a give locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

Trained individual. An individual who is trained and experienced in the principles of stormwater quality, including erosion and sediment control as may be demonstrated by state registration, professional certification (such as CESSWI and/or CPESC certification), or other documented and applicable experience or coursework as deemed sufficient by Johnson County that enable the individual to make judgments regarding stormwater control or treatment and monitoring.

Urban Drain. A drain defined as “Urban Drain” in Indiana Drainage Code.

Urbanization. The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

Vegetated swale. A type of vegetative practice used to filter stormwater runoff via a vegetated, shallow-channel conveyance.

Water Quality. A term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

Water Resources. The supply of groundwater and surface water in a given area.

Waterbody. Any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

Watercourse. Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.

Watershed. The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facility. Watersheds are often broken down into subareas for the purpose of hydrologic modeling.

Watershed Area. All land and water within the confines of a drainage divide. See also Watershed.

Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-1-6 Responsibility for Administration

Johnson County shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by Johnson County to qualified persons or entities acting in the beneficial interest of or in the employ of Johnson County. Nothing in this Ordinance should be construed to relieve the Johnson County Drainage Board of its authority to review and act upon drainage plans under IC 36-9-27-69.5.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-1-7 Interpretation

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Section 1(e), shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this Ordinance, but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-1-8 Severability

The provisions of this Ordinance are hereby declared severable, and if any court of competent jurisdiction

should declare any part or provision of this Ordinance invalid or unenforceable, such invalidity or unenforceability shall not affect any other part or provision of this Ordinance.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-1-9 Disclaimer of Liability

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur or stormwater runoff amounts may be increased by man-made or natural causes. This Ordinance does not imply that land uses permitted will be free from stormwater damage. This Ordinance shall not create liability on the part of Johnson County or any officer, representative, or employee thereof, for any damage that may result from reliance on this Ordinance or on any administrative decision lawfully made thereunder.

The word “approve”, and its common derivation as used in this Ordinance in relation to plans, reports, calculations, and permits shall mean that the plans, reports, and calculations have been reviewed as required by this Ordinance for general compliance with this Ordinance and the Johnson County Stormwater Technical Standards Manual, and that such compliance would qualify the applicant to receive a stormwater management approval or permit. Such an “approval” is based on the assumption that the project engineer has followed all appropriate engineering methods in the design. Any stormwater quantity (drainage) or water quality problems associated with the project caused by poor construction by the contractor and/or poor engineering design or judgment, either on-site or off-site, are the responsibility of the developer and the project engineer.

Consideration, design, construction, and maintenance of safety measures for proposed or existing stormwater facilities shall be the responsibility of the developer, applicant, and/or the property owner. Johnson County and its officials and representatives shall not be responsible for maintenance nor liability for any accidents.

(Ord. 2022-27, passed 12-19-2022)

CHAPTER 2: PROHIBITED DISCHARGES AND CONNECTIONS

§ 8-8-2-1 Applicability and Exemptions

This section shall apply to all discharges, including illegal dumping, entering the storm drain system under the control of Johnson County, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the storm drain system, illegal dumping, and contaminated runoff.

Stormwater runoff from agricultural, timber harvesting, and mining activities is exempted from the requirements of this section unless determined to be in excess of standard practices. Farm residences are ***not*** included in this exemption.

Any non-stormwater discharge permitted under an NPDES permit, waiver (unless the waiver is solely based on point source considerations, still allowing non-point source discharge of a pollutant), or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for the subject discharge to the storm drain system, is also exempted from this section.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-2-2 Prohibited Discharges and Connections

No person shall discharge to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of best management practices (BMP's).

Concrete washout material must be properly contained within an appropriate practice and any waste material properly disposed of.

Johnson County is authorized to require dischargers to implement pollution prevention measures, utilizing BMP's necessary to prevent or reduce the discharge of pollutants into Johnson County's stormwater drainage system.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-2-3 Exempted Discharges and Connections

Notwithstanding other requirements in this Ordinance, the following categories of non-stormwater discharges or flows are exempted from the requirements of this section:

i. Water line flushing;
ii. Landscape irrigation;
iii. Diverted streamflows;
iv. Rising ground waters;
v. Uncontaminated groundwater infiltration;
vi. Uncontaminated pumped ground water;
vii. Discharges from potable water sources;
viii. Foundation drains;
ix. Air conditioning condensation;
x. Irrigation water;
xi. Springs;
xii. Water from crawl space pumps;
xiii. Footing drains;
xiv. Lawn watering;
xv. Individual residential car washing;
xvi. Flows from riparian habitats and wetlands;
xvii. Dechlorinated swimming pool discharges;
xviii. Street wash water;
xix. Discharges from firefighting activities;
xx. Naturally introduced detritus (e.g. leaves and twigs).

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-2-4 Storage of Hazardous or Toxic Material

Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, or within a regulated drain easement, is strictly prohibited. Storage or stockpiling of hazardous or toxic material, including sewage treatment plant stockpiles, on active construction sites must include adequate protection and/or containment so as to prevent any such materials from entering any temporary or permanent stormwater conveyance or watercourse.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-2-5 Private Property Maintenance Duties

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse located within their property boundaries, free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or

physical integrity of the watercourse.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-2-6 Spill Reporting

Any discharger who accidentally discharges into a waterbody or watercourse or regulated drain any substance other than stormwater or an exempted discharge shall immediately inform Johnson County Planning and Zoning concerning the discharge. A written report concerning the discharge shall be filed with Johnson County Planning and Zoning and IDEM, by the dischargers, within five (5) days. The written report shall specify:

i. The composition of the discharge and the cause thereof;
ii. The date, time, and estimated volume of the discharge;
iii. All measures taken to clean up the accidental discharge, and all measures proposed to be taken to prevent any recurrence;
iv. The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

A discharge shall be considered properly reported only if the discharger complies with all the requirements of this section. This requirement does not relieve discharger from notifying other entities as required by state or federal regulations.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-2-7 Inspections and Monitoring

1. **Storm Drainage System**
   Johnson County Planning and Zoning has the authority to periodically inspect the portion of the storm drainage system under Johnson County's control, in an effort to detect and eliminate illicit connections and discharges into the system. This inspection will include a screening of discharges from outfalls connected to the system in order to determine if prohibited flows are being conveyed into the storm drainage system. It could also include spot testing of waters contained in the storm drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.

2. **Potential Polluters**
   If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, Johnson County Planning and Zoning may inspect and/or obtain stormwater samples from stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow Johnson County Planning and Zoning properly identified representatives to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. Johnson County Planning and Zoning or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Identified illicit connections or discharges shall be subject to enforcement action as described in Section 7 of this Ordinance.

3. **New Development and Re-Development**
   Following the final completion of construction and the receipt of as-built drawings by Johnson County Planning and Zoning, Johnson County Planning and Zoning has the authority to inspect new development and re-development sites to verify that all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this section.

(Ord. 2022-27, passed 12-19-2022)

CHAPTER 3: STORMWATER QUANTITY MANAGEMENT

§ 8-8-3-1 Applicability and Exemptions

The storage and controlled release of excess stormwater runoff shall be required for all new business, institutional developments, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within Johnson County. The Johnson County Drainage Board, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization. Additional potential exemptions regarding the detention requirements are provided under Sub-section (b).

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-3-2 Policy on Stormwater Quantity Management

It is recognized that most streams and drainage channels serving Johnson County do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, the storage and controlled release of excess stormwater runoff as well as compensation for loss of floodplain storage shall be required for all developments and redevelopments (as defined in Section 1(e)) located within Johnson County. Release rate requirements, downstream restriction considerations, acceptable outlet, adjoining property impact considerations, policy on dams and levees, policy on Fluvial Erosion Hazard corridors, and compensatory floodplain storage rates are detailed in the Johnson County Stormwater Technical Standards Manual.

Due to unknowns regarding the future development patterns and the associated proposed stormwater quantity management systems within a watershed, it is the policy of Johnson County to discourage direct release of runoff from a new development or redevelopment without providing detention. However, in rare circumstances, where a comprehensive watershed-wide hydrologic study or watershed plan of a major stream (not a “beat the peak” analysis) adopted by Johnson County substantiates the benefits of (or allows for) direct release for a proposed development located adjacent to a major stream, the detention requirements set in this Ordinance may be waived. Other special circumstances when such a waiver may be considered by Johnson County Drainage Board include situations where the design of a regional pond has already taken into account the provision of direct release in certain areas in the watershed.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-3-3 Calculations and Design Standards and Specifications

The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications outlined in the Johnson County Stormwater Technical Standards Manual (Version 1.0, 2023). The methods and procedures in the Stormwater Technical Standards Manual are consistent with the policy stated above.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-3-4 Drainage Easement Requirements

All stormwater systems, including detention or retention basins, conveyance systems, structures and appurtenances, located outside of the public road right-of-way shall be placed within a drainage easement. There shall be no trees or shrubs planted, nor any structures or fences erected in any drainage easement, unless otherwise accepted by Johnson County. Additional easement requirements along stormwater conveyance systems are contained in the Johnson County Stormwater Technical Standards Manual. All drainage improvements performed relative to the conveyance of stormwater runoff and the perpetual maintenance thereof, within the easements, shall be the responsibility of the owner or homeowner association.

Any outlet to, crossing, and/or encroachment of a county Regulated Drainage Easement requires application and acceptance from the County Drainage Board in accordance with the Indiana Drainage Code.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-3-5 Inspection, Maintenance, Record Keeping, and Reporting

After the approval of the Stormwater Permit by Johnson County Planning and Zoning and the commencement of construction activities, Johnson County has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this section, the Stormwater Technical Standards Manual, Design and Construction Standards, and the terms and conditions of the approved permit.

Johnson County also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. Stormwater quantity facilities shall be maintained in good condition, in accordance with the designed and approved performance specifications for the facilities, in addition to any prescribed Operation & Maintenance procedures, and shall not be subsequently altered, revised or replaced except as approved by Johnson County. If deficiencies are found during the inspection, the owner of the facility will be notified by Johnson County and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, Johnson County may undertake the work and collect from the owner using lien rights if necessary.

Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final Stormwater Permit is approved.

Stormwater conveyance facilities may be donated to Johnson County or other unit of government designated

by Johnson County, for ownership and permanent maintenance providing Johnson County or other governmental unit is willing to accept responsibility.

(Ord. 2022-27, passed 12-19-2022)

CHAPTER 4: STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES

§ 8-8-4-1 Applicability and Exemptions

Johnson County will require a Stormwater Pollution Prevention Plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of a project's construction plans and specifications. Any project located within the corporate boundaries of Johnson County that includes clearing, grading, excavation or other land disturbing activities is subject to the requirements of this section. This includes both new development and re-development. Section 4 (c) provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of IDEM's CSGP shall also be in compliance with the requirements contained in that permit.

The requirements under this section do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

i. Landfills that have been issued a certification of closure under 329 IAC 10.
ii. Coal mining activities permitted under IC 14-34.
iii. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

For an individual lot where land disturbance is expected to be one (1) acre or more, the individual lot owner must complete their own notice of intent letter, apply for a Stormwater Permit from Johnson County Planning and Zoning, and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with Section 6 of this Ordinance, regardless of whether the individual lot is part of a larger permitted project site. For an individual lot where land disturbance is less than one (1) acre, a Stormwater Permit is required prior to receiving a building permit. Details of the permitting process are contained in Section 6.

An individual lot with land disturbance less than one (1) acre, located within a larger permitted project site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and conditions of the Stormwater Permit approved for the larger project site. The Stormwater Permit application for the larger project site must include detailed erosion and sediment control measures for individual lots. In addition, these individual lots are required to obtain a Stormwater Permit prior to receiving a building permit. Details of the permitting process are contained in Section 6 and additional requirements for individual lots may be found in the Johnson County Stormwater Technical Standards

Manual.

It will be the responsibility of the project site owner to complete a Stormwater Permit application and ensure that a sufficient construction plan is completed and submitted to Johnson County Planning and Zoning in accordance with Section 6 of this Ordinance. It will be the responsibility of the project site owner to ensure compliance with this Ordinance during the construction activity and implementation of the construction plan, and to notify Johnson County Planning and Zoning upon completion of the project and stabilization of the site, requesting a termination inspection to be performed by Johnson County Planning and Zoning. However, all persons engaging in construction and land disturbing activities on a permitted project site meeting the applicability requirements must comply with the requirements of this section and this Ordinance.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-4-2 Policy on Stormwater Pollution Prevention

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling.

For land disturbance of one (1) acre or more, the developer must submit to Johnson County Planning and Zoning, a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials handling and storage, and construction sequencing. The SWPPP and the project management log must be retained by the project site owner for at least three (3) years from the date the project permit is terminated. For land disturbances less than one (1) acre, appropriate erosion and sediment control measures that are consistent with the Johnson County Stormwater Technical Standards Manual must be designed and shown on the plans.

The required IDEM general and implementation requirements that apply to all land-disturbing activities are contained in the Johnson County Stormwater Technical Standards Manual.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-4-3 Calculations and Design Standards and Specification

In calculating the total area of land disturbance, for the purposes of determining applicability of this section to a project, the following guidelines should be used:

i. Off-site construction activities that provide services (for example, road extensions, sewer, water, offsite stockpiles, and other utilities) to a land disturbing project site, must be considered as a part of

the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.

To determine if multi-lot project sites are regulated by this section, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:

i. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
ii. For a single-family residential project site where the lots are less than one half (0.5) acre in size, the total lot must be calculated as being disturbed.
iii. To calculate lot disturbance on all other types of projects sites, such as industrial and commercial projects project sites, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the Indiana Stormwater Quality Manual, the Johnson County Stormwater Technical Standards Manual, and the product guidance/specifications of the manufacturer. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's CSGP Permit. A Copy of the Indiana Stormwater Quality Manual may be obtained through IDEM.

The design requirements that would apply to all land-disturbing activities and shall be considered in the selection, design, and implementation of all stormwater quality and management measures contained in the SWPPP are contained in the Johnson County Stormwater Technical Standards Manual.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-4-4 Inspection, Maintenance, Record Keeping, and Reporting

Following approval of the Stormwater Permit by Johnson County Planning and Zoning and commencement of construction activities, Johnson County Planning and Zoning has the authority to conduct inspections of the site to ensure full compliance with the provisions of this section, the approved SWPPP, the Indiana Stormwater Quality Manual, and the terms and conditions of the approved permit.

A self-monitoring program (SMP) must be implemented by the project site owner to ensure the SWPPP is working effectively. A trained individual, acceptable to Johnson County Planning and Zoning, shall monitor and manage project construction and stormwater activities. Details regarding the required monitoring activities are contained in the Johnson County Stormwater Technical Standards Manual.

The SWPPP shall serve as a guideline for stormwater quality but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner is responsible for implementing, in accordance with this section, all measures necessary to adequately prevent polluted stormwater runoff. Recommendations by the trained individual for modified stormwater quality

measures should be implemented.

(Ord. 2022-27, passed 12-19-2022)

CHAPTER 5: STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

§ 8-8-5-1 Applicability and Exemptions

In addition to the requirements of Section 4, the Stormwater Pollution Prevention Plan (SWPPP), which is to be submitted to Johnson County Planning and Zoning as part of the Stormwater Permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within the corporate boundaries of Johnson County that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of one (1) acre or more of total land area is subject to the requirements of this section. This includes both new development and re-development, and disturbances of land less than one (1) acre of total land area that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more of total land area. In addition, regardless of the amount of disturbance, Johnson County reserves the right to require pre-treatment BMPs for proposed hot spot developments in accordance to provisions contained in the Johnson County Stormwater Technical Standards Manual.

The requirements under this section do not apply to the following activities:

i. agricultural land disturbing activities; or
ii. silvicultural activities per 40 CFR 122.27; or
iii. oil and gas exploration, production, processing, or treatment operations, or transmission facilities per 40 CFR 122.26.
iv. single family residences and private ponds that are not part of a larger common plan of development or sale; or
v. individual residential building lots within a permitted project site; or
vi. Land-disturbing activities where there will be no additional impervious surfaces associated with the final completed project, including but not limited to, ditch construction/reconstruction and utility installation/maintenance activities; or
vii. Single-family residential strip development offered for sale or lease without land improvements and the project is not part of a larger common plan of development or sale; or
viii. Residential developments consisting of four (4) or fewer lot developments where the proposed impervious surfaces are 10% or less of the project acreage. Impervious is determined by the sum of all infrastructure (roads, paths, parking, etc.) and the average projects hard surfaces associated with all building lots within the project.

The requirements under this section do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

i. Landfills that have been issued a certification of closure under 329 IAC 10.
ii. Coal mining activities permitted under IC 14-34.

iii. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

It will be the responsibility of the project site owner to complete a Stormwater Permit application and ensure that a sufficient construction plan is completed and submitted to Johnson County Planning and Zoning in accordance with Section 6 of this Ordinance. It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater BMP's (especially, the protection of post-stormwater BMPs during construction phase) in compliance with this Ordinance and with the approved Stormwater Permit, and to notify Johnson County Planning and Zoning upon completion of the project and stabilization of the site, requesting a termination inspection to be performed by Johnson County Planning and Zoning. However, all eventual property owners of stormwater quality facilities meeting the applicability requirements must comply with the requirements of this section and this Ordinance.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-5-2 Policy on Stormwater Quality Management

It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues within the corporate boundaries of Johnson County, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers. Through the use of appropriate Best Management Practices (BMP's), stormwater runoff will be filtered and harmful amounts of sediment, nutrients, and contaminants will be removed.

It is also recognized that another major source of pollution in many Indiana streams, including those within the corporate boundaries of *Johnson County*, is the streambank erosion associated with urbanizing watersheds. Stream channels develop their shape in response to the volume and rate of runoff that they receive from their contributing watersheds. Research has shown that in hydrologically stable watersheds, the stream flow responsible for most of the shaping of the channel (called the bankfull flow) occurs between every one to two years. When land is developed, the volume and rate of runoff from that land increases for these comparatively small flooding events that are not normally addressed by the detention practices and the stream channel will adapt by changing its shape. As the stream channel works to reach a new stable shape, excess erosion occurs. As new development and re-development continues within Johnson County, measures must be taken to minimize the impact of such development or re-development on streambank erosion. Through the use of appropriate Best Management Practices (BMP's), the volume and rate of runoff for channel forming flows will be reduced in an attempt to minimize increased streambank erosion in the receiving streams and channels.

For land disturbance of one (1) acre or more, the project site owner must submit to Johnson County Planning and Zoning a SWPPP that shows placement of appropriate BMP(s) from a pre-approved list of BMP's specified in the Johnson County Stormwater Technical Standards Manual. The SWPPP submittal shall include an Operation and Maintenance Manual for all post-construction BMP(s) included in the project and a

notarized Maintenance Agreement, consistent with the sample agreement provided in the Johnson County Stormwater Technical Standards Manual, providing for the long-term maintenance of those BMPs, both of which shall be recorded with the deed for the property on which the project is located. The noted BMP(s) must be designed, constructed, and maintained according to guidelines provided or referenced in the Johnson County Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance and ease of maintenance of such practices will be according to guidelines provided in the Johnson County Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMP's are provided in the Johnson County Stormwater Technical Standards Manual.

Gasoline outlets and refueling areas must install appropriate practices to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks, regardless of the size of the facility.

Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-5-3 Calculations and Design Standards and Specifications

Calculation of land disturbance should follow the guidelines discussed in Section 4 (c).

The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in the Johnson County Stormwater Technical Standards Manual. The methods and procedures included in the referenced Standards is in keeping with the above stated policy and meet or exceed the requirements of IDEM's MS4 GP.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-5-4 Easement Requirements

All stormwater quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements. For the purposes of monitoring, inspection, and general maintenance activities, adequate easement width, as detailed in the Johnson County Stormwater Technical Standards Manual, beyond the actual footprint of the stormwater quality management facility as well as an access easement from a public right-of-way to each BMP shall be provided at a minimum of 20-foot wide.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-5-5 Inspection, Maintenance, Record Keeping, and Reporting

After the approval of the Stormwater Permit by Johnson County Planning and Zoning and the commencement of construction activities, Johnson County Planning and Zoning has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this section, the approved SWPPP, the Johnson County Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

Stormwater quality facilities shall be maintained in good condition, in accordance with the Operation and Maintenance procedures and schedules listed in the Johnson County Stormwater Technical Standards Manual, in addition to the designed and approved performance specifications for the facilities and shall not be subsequently altered, revised, or replaced except as approved by Johnson County Planning and Zoning.

Details regarding the required stormwater BMP Maintenance Agreement and O&M Maintenance Manual, and their transfer to other parties or subsequent owners prior to release of the maintenance bond discussed in Section 6 of this Ordinance is provided in the Johnson County Stormwater Technical Standards Manual.

Johnson County Planning and Zoning also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report.

(Ord. 2022-27, passed 12-19-2022)

CHAPTER 6: PERMIT REQUIREMENTS AND PROCEDURES

§ 8-8-6-1 Conceptual Drainage Plan Review

In order to gain an understanding of the drainage requirements for a specific project, a developer may submit conceptual drainage plans and calculations for review by Johnson County Planning and Zoning. The direction provided by Johnson County Planning and Zoning during such a review is based on preliminary data and shall not be construed as an acceptance or binding on either party.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-6-2 Permit Procedures (one acre or more)

This section applies to all development, or re-development of land, that results in land disturbance of one (1) acre or more. Individual lots with land disturbance less than one (1) acre shall refer to Sections 4 and 5 and subsection (d) below for plan review requirements and procedures.

There are two scenarios for approval or permit application and processing procedures. One process is followed for projects located within unincorporated areas of Johnson County; the other process is for projects that impact Johnson County regulated drains but are located within the jurisdictional areas of the incorporated towns and cities within the County.

1. **Within Unincorporated Areas of Johnson County**
   For projects located within unincorporated areas of Johnson County, the project site owner shall submit an application for a Stormwater Permit to Johnson County Planning and Zoning. The application will include a completed application checklist, construction plan sheets, a stormwater drainage technical report, a stormwater pollution prevention plan, and any other necessary support information. Specific information to be included in the application can be found in Subsection (c) below. One copy of each application must be submitted to Johnson County Planning and Zoning. Johnson County Planning and Zoning may, at its discretion, require one or more copies be submitted to other entities deemed appropriate by Johnson County Planning and Zoning. Additionally, a digital copy of the construction plans is required in a format accepted by Johnson County Planning and Zoning.

   After receipt of the application by Johnson County Planning and Zoning, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. If the application is complete, it will be reviewed in detail by Johnson County Planning and Zoning and/or its plan review consultant(s). Once all comments have been received and review completed, Johnson County Planning and Zoning will either approve the project, request modifications or deny the project. If the applicant does not agree with or accept the review findings and wishes to seek an appeal, the applicant shall follow the procedures in Section 7(d).

The project site owner must notify Johnson County Planning and Zoning and IDEM before beginning construction. Notification to Johnson County Planning and Zoning shall be in the form of an email or other form of communication approved by Johnson County Planning and Zoning, while the notification to IDEM shall be in the form of an online IDEM NOI submittal. Once a permit has been issued and the pending construction notifications submitted to Johnson County Planning and Zoning and IDEM before the beginning of construction, construction may commence. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance and the terms and conditions of the approved permit. Upon completion of construction activities, a Certification of Completion and Compliance and as-built plans must be submitted to Johnson County Planning and Zoning. Once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed, a notification shall be sent to Johnson County Planning and Zoning, requesting a termination inspection. Johnson County Planning and Zoning, or its representative, shall inspect the construction site to verify that the completed project is fully stabilized and meets the requirements of Johnson County's stormwater Ordinance and its technical standards and the terms and conditions of the permit. Once the applicant receives a signed copy of the Termination Inspection Checklist confirming compliance, they must forward a copy to IDEM along with the required IDEM NOT form. Permits issued by Johnson County Planning and Zoning under this scenario will expire 5 years from the date of issuance. If construction is not completed within 5 years, an updated permit application must be submitted to Johnson County Planning and Zoning and an updated NOI must be resubmitted to IDEM at least 90 days prior to expiration.

2. Within Other Jurisdictional Areas

For projects located within other jurisdictional areas, but impacting Johnson County regulated drains, the project site owner shall submit the project to the Johnson County Surveyor. After receipt of the application by the Johnson County Surveyor, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. If the application is complete, it will be reviewed in detail by the Johnson County Surveyor and/or its plan review consultant(s). The Johnson County Surveyor shall furnish the applicant a written list of comments. These comments, if any, will be related only to the project's impact on Johnson County regulated drains. Plans in substantial compliance with the requirements of this Ordinance and the Technical Standards that need to go through a scheduled Drainage Board meeting shall be placed on the agenda with a recommendation for Conditional Approval or Construction Approval. If the Johnson County Drainage Board approves the project, the applicant must satisfactorily address all issues listed in the conditional approval to obtain construction approval. This approval does not alleviate the applicant's responsibility to comply with Ordinance, policy, or resolution requirements of all other jurisdictional entities.

3. SWPPP Review Time Limits

Pursuant to IC 13-18-27, an MS4-designated entity or other review authority such as SWCD must make a preliminary determination as to whether the construction plan associated with SWPPP is substantially complete before the end of the tenth (10th) working day after the day on which the construction plan associated with SWPPP is submitted to the review authority, in the case of a less than 5 acres construction activity site or the fourteenth (14th) working day after the day on which the construction plan associated with SWPPP is submitted to the review

authority, in the case of a 5 acres or larger construction activity site. Depending on the outcome of the SWPPP review, the following scenarios may play out:

a. No SWPPP review notification received: If the review authority does not notify of its preliminary determination as to whether the construction plan is substantially complete within either 10 or 14 days as noted above, the project site owner may submit a notice of intent letter to IDEM including the information required by this Ordinance and the Johnson County Stormwater Technical Standards Manual, and after submission of the notice of intent letter to IDEM, may begin the construction project, including the land disturbing activities of the construction project.
b. SWPPP not substantially complete: If the review authority notifies the construction plan is not substantially complete, the project site owner may not submit a notice of intent letter to IDEM until the review authority makes a conclusive favorable determination concerning the construction plan under this Ordinance and the Johnson County Stormwater Technical Standards Manual.
c. Unfavorable SWPPP: If the review authority notifies the construction plan is substantially complete; and makes a conclusive unfavorable determination concerning the construction plan under this Ordinance and the Johnson County Stormwater Technical Standards Manual; the land disturbing activities of the construction project must stop when the review authority notifies the project site owner of the review authority's conclusive unfavorable determination concerning the construction plan.

Note that the above time limits only apply to the SWPPP portion of the overall stormwater permit submittal and does not affect any official or non-official permit review timelines set by the entity for other aspects of the stormwater permit application.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-6-3 Information Requirements (one acre or more)

Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in the "Applicability and Exemptions" Sections of Sections 2 through 5. If a project or activity is exempt from any or all requirements of this ordinance, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. This level of detailed information is not required from individual lots, disturbing less than 1 acre of land, developed within a larger permitted project site. Review and acceptance of such lots is covered under Section (d).

The different elements of a permit submittal include an application checklist, construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed surveyor, registered in the State of Indiana who also meets the definition of a Trained Individual found in Section 1(e).

1. Application Checklist

As part of the Johnson County Stormwater Permit application package, the application checklist provided in the Johnson County Stormwater Technical Standards Manual must be completed by the applicant and provided along with other required supporting material.

2. **Construction Plans**
   Construction plan sheets (larger than 11" by 17", but not to exceed 24" by 36" in size) and an accompanying narrative report shall describe and depict the existing and proposed conditions. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. Construction plans must include items listed in the application checklist provided in the Johnson County Stormwater Technical Standards Manual.

3. **Stormwater Drainage Technical Report**
   A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. The technical report needs to include items listed in the application checklist provided in the Johnson County Stormwater Technical Standards Manual.

4. **Stormwater Pollution Prevention Plan for Construction Sites**
   For sites with total disturbance of one (1) acre or more, a stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this Ordinance. The SWPPP and construction plans must include the items listed in the application checklist provided in the Johnson County Stormwater Technical Standards Manual.

5. **Post-Construction Stormwater Pollution Prevention Plan**
   For land disturbance of one (1) acre or more of total land area, a post-construction stormwater pollution prevention plan must be designed to, at least, meet the requirements of this Ordinance and must include the information provided in the Johnson County Stormwater Technical Standards Manual. The post-construction stormwater pollution prevention plan must include items listed in the application checklist provided in the Johnson County Stormwater Technical Standards Manual.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-6-4 Permit Procedures (less than one acre)

For all individual lots disturbing less than one (1) acre, a formal review and issuance of a Stormwater Permit will be required before a building permit or Improvement Location Permit can be issued. Similarly, for individual lots disturbing less than one (1) acre, developed within a larger permitted project, a formal review and issuance of a Stormwater Permit will be required before a building permit or Improvement Location Permit

can be issued. All stormwater management measures necessary to comply with this Ordinance must be implemented in accordance with permitted plan for the larger project.

The following information must be submitted to Johnson County Planning and Zoning, for review and acceptance, by the individual lot operator, whether owning the property or acting as the agent of the property owner, as part of a request for review and issuance of a Stormwater Permit that must be obtained prior to the issuance of a building permit or Improvement Location Permit.

1. A site layout for the subject lot and all adjacent lots showing building pad location, dimensions, and elevations, and the drainage patterns and swales.
2. Erosion and sediment control plan that, at the discretion of Johnson County Planning and Zoning, may include the following measures:
   i. Installation and maintenance of a stable construction site access.
   ii. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
   iii. Minimization of sediment discharge and tracking from the lot.
   iv. Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
   v. Implementation of concrete washout practices that securely contain and allow for the proper disposal of washout waste.
   vi. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
   vii. Self-monitoring program including plan and procedures.

The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-6-5 Changes to Plans

Any changes or deviations in the detailed plans and specifications after approval of the applicable Stormwater Management Permit shall be filed with, and accepted by, Johnson County Planning and Zoning prior to the land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-6-6 Fee Structure

As a condition of the submittal and the review of development plans by Johnson County and the Johnson County Drainage Board, the applicant shall agree to pay Johnson County and the Johnson County Drainage Board the applicable fee, as set by Johnson County and the Johnson County Drainage Board with respect to the review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data, as well as prepaid inspection and testing fees. Stormwater Permit Application and Inspection Fees will be in accordance with the fee schedule set by Johnson County and the Johnson County

Drainage Board. Johnson County and the Johnson County Drainage Board shall have the right to not accept the drainage improvements or to not approve the advancement of any project for which the applicable fees have not been paid. The petition filing fees shall be paid per the following schedule:

* **MINOR PLAT** - 1 Fee **(GF)**
  A. Fee for processing and one hour of review: **$500.00** (Includes Preliminary and Final)
  B. Includes One Hour of Review, Hourly Fee for plan review thereafter $200.00 per hour.

* M**INOR SUBDIVISION REPLAT (GF)**
  A. Fee for processing and one hour of review **$500.00**
  B. Includes One Hour of Review, Hourly Fee for plan review thereafter $200.00 per hour.

* **MAJOR PLAT** - 2 FEES (x 2) **(GF)**
  A. Fee for processing and one hour of review **$500.00 + $500.00 = $1,000.00** (Includes Preliminary and Final)
  B. Includes One Hour of Review, Hourly Fee for plan review thereafter $200.00 per hour.

* **MAJOR SUBDIVISION REPLAT**- 1 Fee **(GF)**
  A. Fee for processing and one hour of review: **$500.00**
  B. Includes One Hour of Review, Hourly Fee for plan review thereafter $200.00 per hour.

* **COMMERCIAL SITE PLAN** - 2 FEES (x 2) **(GF)**
  A. Fee for processing and one hour of review: $500.00 + $500.00 = $1,000.00 (Includes Preliminary and Final)
  B. Includes One Hour of Review, Hourly Fee for plan review thereafter $200.00 per hour.

*** MUNICIPAL PLATS** (Outside Jurisdiction)- 1 Fee **(GDI)**
  A. Fee for processing and review up to 1 hour: $375.00
  B. Includes One Hour of Review, Hourly Fee for plan review thereafter $200.00 per hour.

* **APPLICATION FOR OUTLET INTO A LEGAL DRAIN**, Under 10 Inch, 1 Fee **(GDI)**
  A. Agricultural & Residential ($200.00) includes **PERIMETER DRAIN HOOK-UP**
  B. PERFORMANCE BOND: $1,000.00 (Cash or Surety)
  C. Includes One Hour of Review, Hourly Fee for plan review thereafter $200.00 per hour.

* **APPLICATION FOR OUTLET INTO A LEGAL DRAIN**, Over 10 Inch, 1 Fee **(GDI)**
  A. Major, Commercial, Industrial. ($375.00) Drain Maintenance Fund to be reimbursed to legal
  B. PERFORMANCE BOND: Minimum $5,000.00 (Cash or Surety)
  C. Includes One Hour of Review, Hourly Fee for plan review thereafter $200.00 per hour.

* **APPLICATION TO ENCROACH ONTO A LEGAL DRAIN,** 1 Fee **(GDI)**
  A. Fee corresponds with the size of the project. **(Residential $200.00, or Commercial $375.00)**
  B. PERFORMANCE BOND: Minimum $5,000.00 (Cash or Surety)
  C. Includes One Hour of Review, Hourly Fee for plan review thereafter $200.00 per hour.

* **UTILITY CROSSING,** 1 Fee **(GDI)**
  A. Fee for processing and one hour of review: **($300.00)**
  B. PERFORMANCE BOND: Minimum **$5,000.00 Surety, or as directed by board**
  C. Includes One Hour of Review, Hourly Fee for plan review thereafter $200.00 per hour.

* **PETITIONS For Establishing New Regulated Drain**, **(GDI)**
  A. Fee for process and field review, Per Platted Lot: $200.00
  B. Fee for process and field review, Un-Platted, Per Acre: ($100.00)
  C. Includes One Hour of Review, Hourly Fee for plan review thereafter $200.00 per hour.

- ALL FEES ARE DUE WITH APPLICATIN AT TIME OF FILING.
- Bonds as determined by board are due prior to permit issue.
- GF, and GDI, indicate fee destination, as directed by JOHNSON COUNTY DRAINAGE BOARD RESOLUTION

(Ord. 2022-27, passed 12-19-2022, amended by Ord. 2023-O-12, passed 6-12-2023)

§ 8-8-6-7 Required Assurances

This section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to Johnson County or retained privately. As a condition of approval and issuance of the permit, Johnson County shall require the applicant to provide assurance in form of an irrevocable letter of credit or a bond when the stormwater management plan has been accepted and before construction begins. Said assurance will guarantee a good faith execution of the stormwater drainage plan, the stormwater pollution prevention plan, the stormwater quality management plan, and any permit conditions. The assurance shall be for an amount equal to 125 percent of the total costs of all stormwater management measures for the entire project. The above-mentioned costs shall be based on an estimate as prepared by a registered engineer or land surveyor. Said costs shall be for the installation and ongoing monitoring and maintenance of erosion control measures and the construction and ongoing monitoring and maintenance of storm drainage infrastructure, detention/retention facilities, and stormwater quality BMP's, as regulated under this Ordinance, until the construction is completed, the site is stabilized, and as-built plans are accepted by Johnson County. Assurances shall be for a minimum of $5,000. All other performance bonds, maintenance bonds or other assurances required by Johnson County in accordance with any and all other ordinances shall also apply and so be required. Local governmental jurisdictions may require additional performance and/or maintenance assurances. The intent of this assurance is not only to complete the installation of storm drain infrastructure for the project, but also to assure that adequate stormwater pollution prevention measures are properly installed and maintained. If adequate assurances are set aside by the project site owner for the overall project, proof of total assurance can be submitted in place of an individual stormwater assurance.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-6-8 Terms and Conditions of Permits

In granting a Stormwater Permit, Johnson County may impose such terms and conditions as are reasonably necessary to meet the purposes of this Ordinance. The project site owner shall ensure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in Section 7.

The project site owner shall inform all general contractor, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the Stormwater Management Permit and the schedule for proposed implementation.

In the event that a project site is determined to impact or discharge to a Sensitive Area or is located in an Impact Drainage Area, Johnson County may require more stringent stormwater quantity and quality measures than detailed in this Ordinance or in the *Indiana Stormwater Quality Manual*.

1. **Determination of Sensitive Areas**
   Sensitive Areas include highly erodible soils, wetlands, karst areas, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. Any discharge from a stormwater practice that is a Class V injection well shall meet the Indiana groundwater quality standards and registered with US EPA as required by the IDEM MS4 GP. If wetlands are suspected on a site, a wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE). The need for the applicant to check for the presence of threatened or endangered species habitat will be determined on a case by case basis. Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the Stormwater Permit.

2. **Determination of Impact Drainage Areas**
   The following areas shall be designated as Impact Drainage Areas, unless good reason for not including them is presented to Johnson County.

   i. A floodway or floodplain as designated by the most updated FEMA Code dealing with floodplain regulation and/or by the Best Available Data through IDNR.
   ii. Land within 25 feet of each bank of any ditch within the Johnson County's system.
   iii. Land within 15 feet of the centerline of any stormwater infrastructure or enclosed conduit within the Johnson County's system.
   iv. Land lying within 75 feet of any regulated drain, the 75 feet shall be measured at right angles to the physical centerline of the regulated tile, or the top edge of each bank of an open ditch as determined by the Johnson County Surveyor.
   v. Land within 50 feet of a natural drainageway.
   vi. Land within the Fluvial Erosion Hazard (FEH) corridor.
   vii. Land within the expected breach inundation zone of an existing or proposed new dam, and areas protected from flooding by a levee.
   viii. Any Watershed area as determined by survey and study in cooperation with the Johnson County Surveyor and approved via Resolution by the Johnson County Drainage Board

   Johnson County is authorized, but is not required, to classify certain geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, Johnson County may consider such factors as topography, soil type, capacity of existing drains, and distance from adequate drainage facility.

   Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by Johnson County. Special terms and conditions for development within any Impact Drainage Area shall be included in the Stormwater Permit.

(Ord. 2022-27, passed 12-19-2022, Ord. 2025-O-14, passed 12-1-2025)

§ 8-8-6-9 Certification of As-Built Plans

This section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to Johnson County or retained privately. After completion of construction of the project and before the release of required performance assurances referenced in Section (g) above, a professionally prepared and certified 'as-built' set of plans (record drawings) shall be submitted to Johnson County Planning and Zoning for review. These as-built plans/record drawings must be prepared and certified by the

Engineer of Record, i.e., the company/engineer who originally prepared the construction plans. Additionally, a digital copy of the 'as-built' plans (record drawings) as well as finalized digital versions of all analyses, models, manuals, and reports that are consistent with the as-built conditions is required in a format acceptable to Johnson County Planning and Zoning. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities, and shall include those required elements included in the Stormwater Permit application packet obtained through Johnson County Planning and Zoning.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-6-10 Post-Project Maintenance Bond and Verification

In addition to as-built plans and the certification of completion and compliance, following the release of performance assurances, the property owner, developer, or contractor shall be required to file a three-year maintenance bond or other acceptable guarantee with Johnson County in an amount not to exceed twenty five percent (25%) of the cost of the stormwater management system located outside the public road rights-of-way, and in a form satisfactory to Johnson County in order to assure that such stormwater system installation was done according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, and that such project was done in accordance with the accepted plans, and this Ordinance. The bond or other acceptable guarantee shall be in effect for a period of three years after the date of the release of required performance assurances referenced in Section (g) above. The beneficiary of all maintenance bonds shall be the Johnson County Council.

Additional requirements for transfer of any applicable stormwater BMP Maintenance Agreement and O&M Maintenance Manual to subsequent owners prior to release of the maintenance bond is discussed in Section 5 of this ordinance.

(Ord. 2022-27, passed 12-19-2022)

CHAPTER 7: COMPLIANCE AND ENFORCEMENT

§ 8-8-7-1 Compliance With This Ordinance

In addition to the requirements of this Ordinance, compliance with the requirements set forth in the local Zoning Ordinances is also necessary. Compliance with all applicable ordinances of Johnson County as well as with applicable State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. Violations of the requirements of this Ordinance are subject to the penalties listed below.

1. **Violations**
   Any action or inaction which violates the provisions of this Ordinance, the requirements of an approved stormwater management design plan or permit, and/or the requirements of a recorded stormwater maintenance agreement may be subject to the enforcement actions outlined in this Section. Any such action or inaction is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief. Violations of permits and orders issued by the Johnson County Drainage Board may be enforced by the Johnson County Drainage Board, acting in its own name, pursuant to the authority granted it by I.C. § 36-9-27.

2. **Warning Notice**
   When Johnson County finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, Johnson County may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of Johnson County to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-7-2 Enforcement of This Ordinance

1. **Notice of Violation**
   If Johnson County determines that a permit applicant has failed to comply with the terms and conditions of a permit, an approved stormwater management design plan, a recorded stormwater management maintenance agreement, or the provisions of this

ordinance, it shall issue a Notice of Violation to such applicant . Where a person is engaged in activity covered by this ordinance without having first secured a permit therefore, the Notice of Violation shall be served on the property owner or the responsible person in charge of the activity being conducted on the site.

The Notice of Violation shall be in the form of a written letter that contain detailed inspection findings, notice of penalty assessed, required remedial actions, reasonable deadlines for those remedial actions and payment of penalty, and the date of re-inspection. The Notice of Violation may be served by personal service, by certified mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice to a person that he or she has committed a violation of this Ordinance.

2. Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, Johnson County may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, public education, etc.

3. Civil Penalties for Violations

Any person found in violation of any provision of this Ordinance shall subject to a maximum fine of $2,500 for each offense, plus costs, damages, and expenses. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

Any person who aids or abets a person in a violation of this Ordinance shall be subject to the penalties provided in this section.

For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same permit applicant within 24 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

Johnson County has established an Enforcement Response Schedule that standardizes the approach Johnson County may take in dealing with stormwater regulations offenses subject to this Ordinance and the associated Technical Standards document. The enforcement response schedule is as noted in the following table:

Offense #	Type of Response Anticipated
1st offense	Written Warning Notice
2nd offense	Notice of Violation, Administrative Penalty and/or Site Visit
3rd offense	Notice of Violation, Administrative Penalty and/or Site Visit
4th offense	Notice of Violation, Administrative Penalty and/or Site Visit
5th offense	Compliance Resolution, Administrative Penalty and/or Site Visit
6th offense	Administrative Penalty and/or Site Visit
7th offense	Administrative Penalty and/or Site Visit
8th offense	Litigation and Administrative Penalty

The Administrative Penalties shall be assessed on a per violation, per offense basis. The schedule of penalties is summarized in the following table:

Offense #	Penalty
2nd offense	$500.00
3rd offense	$1,000.00
4th offense and subsequent	$2,500.00

Johnson County Planning and Zoning reserves the right to issue a maximum penalty for any violation deemed sufficiently egregious or otherwise determined by Johnson County Planning and Zoning to warrant a maximum penalty. The following factors may be considered by Johnson County Planning and Zoning in determining whether the issuance of a maximum penalty is warranted:

1. Whether the person has previously violated the statute or rule giving rise to the penalty;
2. The amount of the monetary penalty as compared to the seriousness of the violation;
3. The financial resources of the person;
4. The likelihood of future violations;
5. Remedial measures taken by the person after the violation;
6. Whether the violation was inadvertent, negligent, reckless, or intentional; or
7. Any other factor that Johnson County determines is relevant.

4. Stop Work Order

In addition to the penalties listed above, if land disturbance activities are conducted contrary to the provisions of this Ordinance or accepted final stormwater management plans, Johnson County Planning and Zoning may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done,

and any such persons shall forthwith stop such work until authorized by Johnson County Planning and Zoning to proceed with the work. A Stop Work Order will be posted on the site by Johnson County Planning and Zoning and it is unlawful for any person to remove the notice or continue any work on the site without permission from Johnson County Planning and Zoning. Johnson County Planning and Zoning may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

Any person who neglects or fails to comply with a stop work order shall be fined up to $300 per day. A permit reinstatement fee may also be assessed by Johnson County.

For construction projects that are operating under a SWPPP approved by Johnson County, if a Stop Work Order is issued on the grounds that the erosion and sediment control measures included in the construction plan are not adequate, the project site owner must be notified in writing of the inadequacies in the erosion and sediment control measures and the project site owner has seventy-two (72) hours after receiving written notice to resolve the identified inadequacies before the Stop Work Order can take effect.

The seventy-two (72) hour period to resolve identified inadequacies on a construction project does not apply if the Stop Work Order is issued to a construction project where the project site owner is creating a public health hazard or safety hazard.

5. Withhold Certificate of Occupancy

Johnson County Planning and Zoning may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise satisfied the requirements of this Ordinance as determined by Johnson County Planning and Zoning.

6. Modification of Permits

Johnson County Planning and Zoning may modify any existing permit that the violator may also have been previously granted.

7. Suspension of Access to the Stormwater Drainage System

i. Emergency Cease and Desist Orders

When Johnson County finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, Johnson County may issue an order to the violator directing it immediately to cease and desist all such violations and

directing the violator to immediately comply with all ordinance requirements and take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, Johnson County may take such steps as deemed necessary to prevent or minimize harm to the stormwater drainage system or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services.

Johnson County may allow the person to recommence its discharge when it has demonstrated to the satisfaction of Johnson County that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to Johnson County within 5 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

ii. Suspension Due to Illicit Discharges in Emergency Situations

Johnson County may, without prior notice, suspend stormwater drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system or waters of the state if the violator fails to comply with a suspension order issued in an emergency, Johnson County may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the state, or to minimize danger to persons.

iii. Suspension Due to the Detection of Illicit Discharge

Any person discharging to the stormwater drainage system in violation of this ordinance may have their stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. Johnson County will notify a violator of the proposed termination of its stormwater drainage system access. The violator may petition Johnson County for a reconsideration and hearing. A person commits an offense if the person reinstates stormwater drainage system access to premises terminated pursuant to this Section, without the prior approval of Johnson County.

iv. Criminal Penalties for Violations

For intentional and flagrant violations of this ordinance, Johnson County may issue a notice to the applicant or other responsible person and the owner of the property, requiring such person to appear in the Circuit or Superior Court of Johnson County to answer charges for such violation. Upon conviction, such person shall be punished according to the criminal penalties and fines available under 327 IAC 15 et seq. or any

successor provisions, and all other applicable state and federal laws, plus costs, damages, and expenses. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-7-3 Cost of Abatement of the Violation

In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, Johnson County Planning and Zoning may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse Johnson County for all costs of such work.

Nothing herein contained shall prevent Johnson County from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of Johnson County's NPDES permit, administrative costs, attorney fees, court costs, and other costs and expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses.

If the amount due for abatement of the violation is not paid within a timely manner as determined by the decision of Johnson County or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(Ord. 2022-27, passed 12-19-2022)

§ 8-8-7-4 Appeals

1. **Appeal of Notice of Violation**
   Any person to whom any provision of this Ordinance has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Board of Commissioners of Johnson County the action or decision whereby any such provision was so applied, except for actions or decisions of the Johnson County Drainage Board, which must be appealed pursuant to IC 36-9-27-106. Such appeal to the Board of Commissioners of Johnson County shall identify the matter being appealed, and the basis for the appeal. The Board of Commissioners of Johnson County shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the Board of Commissioners of Johnson County may consider the recommendations of the Johnson County Planning and Zoning Staff and the comments of other persons having knowledge of the matter. In considering any such appeal, the Board of Commissioners of Johnson County may grant a variance from the terms of this Ordinance to provide

relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

i. The application of the Ordinance provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the Ordinance; and

ii. The granting of the relief requested will not substantially prevent the goals and purposes of this Ordinance, nor result in less effective management of stormwater runoff.

2. Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 days of the decision of the Board of Commissioners upholding the decision of Johnson County Planning and Zoning, then representatives of Johnson County Planning and Zoning shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow Johnson County or its designated contractor to enter upon the premises for the purposes set forth above.

(Ord. 2022-27, passed 12-19-2022)

TITLE 9: MOTOR VEHICLES

Article

1. **GENERAL PROVISIONS**

2. **TRUCK RESTRICTIONS**

ARTICLE 1: MOTOR VEHICLES

Section

Chapter 1: General Provisions

9-1-1-1 Regulations adopted by reference

Chapter 2: Traffic Regulation; Fairgrounds

9-1-2-1 Fairgrounds Speed Limit

9-1-2-2 Off-Road Driving

9-1-2-3 Official Trailer Control Devices

9-1-2-4 Violations – Penalties

9-1-2-5 Repealer
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Chapter 3: Parking
9-1-3-1 Purpose
9-1-3-2 Parking on County Streets
9-1-3-3 Continuous Operation
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9-1-4-1 Purpose
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9-1-4-3 Prima Facie Rule
9-1-4-4 Penalty
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9-1-4-5 Contesting a Violation
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Chapter 5: Traffic Regulations at Center Grove Community Schools
9-1-5-1 No Parking Zones
Chapter 6: Golf Cart Or Recreational Off-Highway Vehicle ("Carts") Operation
9-1-6-1 Definitions
9-1-6-2 Application
9-1-6-3 Designated Neighborhood Roads
9-1-6-4 Golf Cart Community Signs
9-1-6-5 Registration
9-1-6-6 Prohibition Against Operation-Time of Operation
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9-1-6-8 Designated Neighborhood Roads
9-1-6-9 Golf Cart Community Signs
9-1-6-10 Public Right of Way
9-1-6-11 Limit on Passengers
9-1-6-12 Prosecution of Violations and Penalties
9-1-6-13 Severability of Provisions
9-1-6-14 Effective Date

Chapter 7: The Unauthorized Removal or Tampering With Barricades or Traffic Control Devices
9-1-6-1 Purpose
9-1-6-2 Definitions
9-1-6-3 Violations
9-1-6-4 Enforcement
9-1-6-5 Penalties
9-1-6-6 Effective Date

CHAPTER 1: GENERAL PROVISIONS

§ 9-1-1-1 REGULATIONS ADOPTED BY REFERENCE.

The County's provisions, including township information, concerning speed limits, weight restrictions, stop intersections, yield intersections, and parking restrictions are hereby adopted by reference and incorporated herein as if set out in full.

CHAPTER 2: TRAFFIC REGULATIONS; FAIRGROUNDS

§ 9-1-2-1 FAIRGROUNDS SPEED LIMIT

The maximum speed limit for all roads within the Johnson County Fairgrounds in Johnson County, Indiana shall be ten (10) miles per hour.

(Ord. 2013-05, passed 4-22-2013)

§ 9-1-2-2 OFF-ROAD DRIVING

Off-road recreational driving, including but not limited to the activity known as “mud bogging” is not permitted on the Johnson County Fairgrounds. Organized events sanctioned by the Johnson County Board of Commissioners and/or the Johnson County Fair Board shall be excepted from this prohibition.

(Ord. 2013-05, passed 4-22-2013)

§ 9-1-2-3 OFFICIAL TRAFFIC CONTROL DEVICES

The maximum speed limit and prohibition of off-road driving on roads within the Johnson County Fairgrounds, as set forth in Section 1 and Section 2 above, shall be posted with Official Traffic Control Devices, as defined in Indiana Code 9-13-2-117 and in accordance with the Manual on Uniform Traffic Control Devices, as promulgated by the Federal Highway Administration.

(Ord. 2013-05, passed 4-22-2013)

§ 9-1-2-4 VIOLATIONS – PENALTIES

Any person who violates this ordinance by exceeding the maximum speed limit, as set out in Section 1 above, or who participates in unsanctioned off-road recreational driving, as set out in Section 2 above may be guilty of an ordinance violation per Indiana Code 9-

21-5-13 and/or misdemeanor per Indiana Code 35-43-1-2, respectively, and may be fined and/or punished accordingly.

(Ord. 2013-05, passed 4-22-2013)

§ 9-1-2-5 REPEALER

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

(Ord. 2013-05, passed 4-22-2013)

§ 9-1-2-6 EFFECTIVE DATE

This chapter shall be in full force and effect from and after its passage, approval, and publication according to law. Adopted this 22nd day of April, 2013.

(Ord. 2013-05, passed 4-22-2013)

CHAPTER 3: PARKING

§ 9-1-3-1 PURPOSE

This chapter shall regulate the parking of vehicles on county streets and rights-of-way; regulating the number of vehicles permitted on premises; and prohibiting the continuous operation of vehicles overnight in a stationary position.
(Ord. 89-24, ratified 4-14-2014)

§ 9-1-3-2 PARKING ON COUNTY STREETS

No vehicle or trailer of any sort shall be permitted to park on county streets between the hours of 11:00 p.m. and 7:00 a.m. the next morning, Monday through Thursday nights.
(Ord. 89-24, ratified 4-14-2014)

§ 9-1-3-3 CONTINUOUS OPERATION

The continuous operation of any vehicle overnight, between the hours of 11:00 p.m. and 7:00 a.m., while said vehicle is in a stationary position at any location within Johnson County is hereby prohibited.
(Ord. 89-24, ratified 4-14-2014)

§ 9-1-3-4 REMOVAL OF VEHICLE

Whenever any police officer finds a vehicle parked in violation of this ordinance, such officer is hereby authorized to require the driver or other person in charge of the vehicle to move the same to a position which would not violate this ordinance. If the person so directed shall fail or refuse to move the vehicle, or if the vehicle is unattended, then such officer is hereby authorized to provide for the removal of such vehicle to an appropriate garage or other place of safety, and the owner of such vehicle shall be liable for all of the costs incidental to the removal and storage of the vehicle.
(Ord. 89-24, ratified 4-14-2014)

§ 9-1-3-5 PENALTY

Any person violating any provisions of this ordinance shall, upon conviction, be fined a sum not to exceed Two Thousand Five Hundred Dollars ($2,500.00).
(Ord. 89-24, ratified 4-14-2014)

§ 9-1-3-6 REPEALER

All ordinances or parts of ordinances of conflict with provisions of this ordinance are hereby repealed.
(Ord. 89-24, ratified 4-14-2014)

CHAPTER 4: PARKING IN DESIGNATED SPACES

§ 9-1-4-1 PURPOSE

The purpose of this chapter shall be to impose penalties for parking motor vehicles in parking spaces designated by the Johnson County Board of Commissioners as being reserved for certain elected officials, employees of Johnson County, Indiana, and persons conducting Johnson County business at County Offices in parking lots in or near Johnson County Government buildings in downtown Franklin, Indiana..

Such parking areas shall be clearly marked with signage either:

(a) At each space, indicating that the spaces are reserved for elected officials and/or employees; or

(b) At the entrances to the parking lot(s), indicating that the use of the parking lot(s) is/are restricted during the times contained in this chapter.

(Ord. 2016-07, passed 6-27-2016, amended by Ord. 2017-O-7, passed 10-9-2017, amended by Ord. 2022-O-12, passed July 25, 2022)

§ 9-1-4-2 PARKING

No person shall stop, stand, or park a vehicle, whether occupied or unoccupied, except when necessary to avoid conflict with other traffic, or in compliance with law or direction

of a law enforcement officer, in an area designated for parking by a county official or county employee, or persons conducting County business at County offices of Johnson County Courthouse between the hours of 7:00 a.m. through 6:00 p.m., Monday through Friday.

(Ord. 2016-07, passed 6-27-2016, amended by Ord. 2022-O-12, passed July 25, 2022)

§ 9-1-4-3 PRIMA FACIE RULE

This ordinance shall be enforced against the person actually operating or in control of the vehicle at the time it is parked in violation of this ordinance; provided, however, that proof of ownership of any vehicle parked in violation of this Ordinance shall constitute prima facie evidence that the owner parked the vehicle.
(Ord. 2016-07, passed 6-27-2016)

§ 9-1-4-4 PENALTY

In addition to, or in lieu of any costs associated with the removal of unauthorized vehicles pursuant to § 9-1-4-4.1, any violation of this chapter may result in the following fine payable to the Johnson County Clerk, which shall be deposited into the Johnson County Ordinance Fines Fund No. 4201 to be used for maintaining and purchasing parking lot signage:

(a) $50 for the first violation within a twelve-month period;
(b) $100 for the second violation within a twelve-month period;
(c) $250 for the third and subsequent violations within a twelve-month period.

(Ord. 2016-07, passed 6-27-2016, amended by Ord. 2017-O-7, passed 10-9-2017)

§ 9-1-4-4.1 REMOVAL

Whenever any law enforcement officer finds a vehicle parked in violation of this ordinance, such officer is hereby authorized to require the driver or other person in charge of the vehicle to move the same to a position which would not violate this ordinance. If the person so directed fails or refuses to move the vehicle, or if the vehicle is unattended, then such officer is hereby authorized to provide for the removal of such vehicle to an appropriate garage or other place of safety, and the owner of such vehicle shall be liable for all of the costs incidental to the removal and storage of the vehicle.
(Ord. 2017-O-7, passed 10-9-2017)

§ 9-1-4-5 CONTESTING A VIOLATION

Anyone wishing to contest a violation may do so at the date and time indicated on the violation ticket or at such date and time otherwise set by the court having jurisdiction over the matter. Unless otherwise designated, contested violations under this chapter shall be heard in any Johnson County court having misdemeanor jurisdiction.
(Ord. 2016-07, passed 6-27-2016)

§ 9-1-4-6 EFFECTIVE DATE

This Ordinance shall be in full force and effect on June 27, 2016, and shall supersede all existing oral or written policies and procedures.
(Ord. 2016-07, passed 6-27-2016)

CHAPTER 5: TRAFFIC REGULATIONS AT CENTER GROVE COMMUNITY SCHOOLS

§ 9-1-5-1 NO PARKING ZONES

(A) No person shall stop, stand, or park a motor vehicle at any time on any Center Grove Community School grounds that have been designated as "No Parking Zones" or "No Student Drop-off or Pick-up Zones."
(B) This section shall not apply to any emergency, maintenance, law enforcement, fire, government agency or medical services vehicle then responding to a service call on or at Center Grove Community School grounds.
(C) The Center Grove Community School Corporation shall post or cause to be posted appropriate "No Parking Zone" or "No Student Drop-Off or Pick-up Zone" signs; or similar language signs or markings upon or at the entrances to those school grounds so affected.
(D) Any person who operates a motor vehicle in violation of this section shall, upon conviction thereof, be fined in an amount not to exceed One Hundred Dollars ($100.00) for each such offense.
(E) So long as signs required by I.C. 9-21-1-3(b) are posted, this Ordinance shall be effective on July 1, 2020.
(F) The School and the County shall enter into a contractual agreement setting forth the terms and responsibilities of the additional traffic regulations.
(G) The contractual agreement shall be recorded in the Office of the Johnson County Recorder.

(Ord. 2019-07, passed 1-13-2020; Ord. 2020-O-9.1, passed 9-28-2020)

CHAPTER 6: GOLF CART OR RECREATIONAL OFF-HIGHWAY VEHICLE ("CARTS") OPERATION

§ 9-1-6-1 DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

"County Highway" shall mean the entire width between the boundary lines of every publicly maintained road included in unincorporated Johnson County's Road

(A) inventory when any part of the road is open to the use of the public for purposes of vehicular travel in Indiana. The term includes an alley.

(B) **"Golf Cart"** shall have the meaning set forth in Ind. Code § 9-13-2-69.7.

(C) **"Proof of Financial Responsibility"** shall mean, pursuant to Ind. Code § 9-25-2-3, proof of ability to respond in damages for liability that arises out of the ownership, maintenance, or use of carts in the following amounts:

(1) Twenty-five thousand dollars ($25,000) because of bodily injury to or death of any one (1) person;

(2) Subject to the limit in subdivision (1), fifty thousand dollars ($50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and

(3) Twenty-five thousand dollars ($25,000) because of injury to or destruction of property in any one (1) accident.

(D) **"Recreational Off-Highway Vehicle"** for the purpose of this Ordinance, ATV's (All Terrian Vehicles), 3-wheelers, 4-wheelers, and slow-moving vehicles are not considered Recreational Off-Highway Vehicles and may not operate within unincorporated Johnson County roads. All Recreational Off-Highway Vehicles authorized to operate within unincorporated Johnson County roads shall meet the state minimum standards set forth in Ind. Code § 14-8-2-233.5 of a motorized, off-highway vehicle that:

(1) is eighty (80) inches or less in width when measured from outside of tire rim to outside of tire rim;
(2) has a dry weight of three thousand five hundred (3,500) pounds or less;
(3) is designed for travel on at least four (4) nonhighway or off-highway tires; and
(4) is designed for recreational use by one (1) or more individuals.

Additionally, to operate in compliance with this Ordinance, all Recreational Off-Highway Vehicles shall meet the following requirements:

(1) be larger than fifty (50) inches, but less than eighty (80) inches in width when measured from outside of tire rim to outside of tire rim;
(2) have a dry weight of no more than two thousand five hundred (2,500) pounds;
(3) be designed for travel on at least four (4) non-highway or off-highway tires;
(4) have the ability to operate at twenty-five miles per hour or greater;
(5) be equipped with the following operable equipment:
    a. safety belts for driver and all passengers;
    b. either side mirrors or a rear-view mirror;
    c. a traditional steering wheel;
    d. two headlights;
    e. two turn signals; and
    f. at least one break light.

(E) "Cart" or "Carts" shall collectively refer to Golf Carts and Recreational Off-Highway Vehicles.

§ 9-1-6-2 APPLICATION

It is the intent of this Chapter to allow for the use of Golf Carts only on designated

neighborhood roads as defined in § 9-1-6-3 of this Ordinance, and not for general transportation throughout Johnson County. Nothing herein shall be construed to apply to, expand the use of, or limit the use of Golf carts on (a) Golf courses; (b) private property; (c) the Golf Cart Operating Regulations in place at the Johnson County Park and the Johnson County Fairgrounds; or (d) Johnson County officials/employees' use of Golf carts on County-owned property for official purposes.

It is the intent of this Chapter to allow for the use of Recreational Off-Highway Vehicles (as defined herein) on any County Highway within unincorporated Johnson County where they are equipped to follow all local ordinances, state traffic laws, state regulations, and all the requirements contained in this Ordinance. Nothing herein shall be construed to apply to, expand the use of, or limit the use of Recreational Off-Highway Vehicles on (a) Golf Courses; (b) private property; (c) the Operating Regulations in place at the Johnson County Park and the Johnson County Fairgrounds; or (d) Johnson County officials/employees' use of Recreational Off-Highway Vehicles on County-owned property for official purposes.

In addition to this Ordinance, Cart operators shall comply with Indiana State Law concerning registering and operating Carts and any other applicable state or federal law.

§ 9-1-6-3 DESIGNATED NEIGHBORHOOD ROADS

To protect the safety of unincorporated Johnson County residents, Golf carts shall only be operated on Neighborhood roads within residential neighborhoods in unincorporated Johnson County under the following conditions:

(A) Neighborhood roads within residential neighborhoods in unincorporated Johnson County having a posted speed limit of no greater than 25mph.; and
(B) Standard signs, as described in § 9-1-6-4 of this Ordinance, have been conspicuously located within the neighborhood.

No Golf carts shall be operated on any county road outside of a Designated Neighborhood Road within unincorporated Johnson County as defined herein.

§ 9-1-6-4 GOLF CART COMMUNITY SIGNS

Signs that designate the neighborhood as a Golf Cart community as described in § 9-1-6-3 of this Ordinance shall be installed at each entrance to the neighborhood, prior to use, under the following conditions:

(A) All signs must meet minimum MUTCD (Manual on Uniform Traffic Control Devices) standards for size, material type, and retro-reflectivity for the following signs: W11-11 & W16-1. (See **Exhibit "A"**)
(B) This ordinance does not prohibit or limit Johnson County from having discretion to require additional signs should conditions require such.

§ 9-1-6-5 REGISTRATION

Prior to operation of a Golf Cart in accordance with this Ordinance, Golf Carts shall be registered by its owner with the Johnson County Sheriff's Office ("Sheriff"). Upon such registration, the Sheriff shall issue one numerical identification decal to the owner and shall maintain a record of each identification number, along with the name and address of the registered owner. The identification decal shall be affixed to the rear fender areas of the Golf Cart so as to be fully visible when the cart is in operation.

A one-time registration fee of One Hundred Dollars ($100.00), plus the applicable service fees, for each Golf Cart registered shall be payable at the time of registration. All registration fees for Golf Carts are to be deposited in the Johnson County Sheriff's Continuing Education Fund.

§ 9-1-6-6 PROHIBITION AGAINST OPERATION—TIME OF OPERATION.

Golf carts shall not be operated on Designated Neighborhood Roads as defined herein from sunset to sunrise unless the Golf cart is equipped with headlights, taillights, brake lights, seatbelts for each passenger, turn signals, and rearview mirror all in working order.

§ 9-1-6-7 VALID LICENSE REQUIRED.

Only persons possessing a valid driver's license issued by the State of Indiana, another state of the United States of America, or an international agency or persons who are sixteen (16) years and one hundred eighty (180) days of age and hold and identification card issued under Ind. Code § 9-24-16 or a photo exempt identification card issued under Ind. Code § 9-24-16.5, shall be permitted to operate Carts within unincorporated Johnson County.

§ 9-1-6-8 DISCLAIMER, ASSUMPTION OF RISK AND INSURANCE

Any person who owns, operates, or rides upon a Cart within unincorporated Johnson County does so at his/her own risk and peril and assumes all liability resulting from such activity. Any operator, upon request by a law enforcement officer as defined in Ind. Code §9-13-2-92, shall provide Proof of Financial Responsibility as defined herein for the operation of the Golf Cart or Recreational Off-Highway Vehicles within unincorporated Johnson County.

§ 9-1-6-9 TRAFFIC LAWS OBSERVED.

Carts must be operated in compliance with all applicable local and state traffic laws and the operator may be ticketed in the same manner as motor vehicle operators. Golf Cart and Recreational Off-Highway Vehicles operators shall stay in the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicle as soon as possible to do so safely. Golf Cart and Recreational Off-Highway Vehicles may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing or parking of Golf Cart or Recreational Off-Highway Vehicles in areas where parking is not allowed or in any place that may impede the flow of traffic, pedestrian walkways, or a passageway is prohibited and may result in removal by towing.

§ 9-1-6-10 PUBLIC RIGHT OF WAY

Carts shall not be operated on unincorporated Johnson County sidewalks, pedestrian walkways, multi-use paths, jogging paths, greenway trails, or non-designated public ways or roads.

§ 9-1-6-11 LIMIT ON PASSENGERS

Carts operated in accordance with this Ordinance shall not be used with more passengers than are allotted in accordance to the manufacturer's listed passenger capacity of the Carts. All persons riding on a Golf Cart or Recreational Off-Highway Vehicle must be seated independently in one of the manufacturer designed seats, and may not be standing or riding on the back or in any place designed for cargo or sporting equipment while the Cart is in motion.

§ 9-1-6-12 PROSECUTION OF VIOLATIONS AND PENALTIES

Johnson County Sheriff officers shall issue a Non-Capitalized Ordinance Violation to any person violating a provision of this Ordinance in the following amounts which shall be processed by and paid to the County and deposited to the Johnson County General Fund as follows:

A. First Offense: Fifty Dollars ($50.00);
B. Second Offense within one (1) year: One Hundred Dollars ($100.00); and
C. Third Offense and each additional offense within one (1) year: Two Hundred
Fifty Dollars ($250.00).

A second, or subsequent, offense occurring more than twelve months since the last offense shall be considered a first offense. The penalties listed in this Section do not include Court costs and fess that may be imposed by Johnson County Superior Court in addition to the penalty.

If a law enforcement officer finds cause to issue a notice for a violation of this Ordinance, the officer has discretion to issue the notice/citation to: The Cart operator, or in instances where the operator is an unlicensed juvenile, to the parent(s) of said operator. Unpaid violations shall be referred to the appropriate Johnson County Court.

§ 9-1-6-13 SEVERABILITY OF PROVISIONS

If any part of this Ordinance is deemed invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this Ordinance.

§ 9-1-6-14 EFFECTIVE DATE

This Ordinance shall become effective upon adoption and publication as required by law.

(Ord. 2024-O-9, passed 12-16-24, amended by Ord. 2025-O-7 passed 4-28-25)

CHAPTER 7: PROHIBITING THE UNAUTHORIZED REMOVAL OR TAMPERING WITH BARRICADES OR TRAFFIC CONTROL DEVICES IN JOHNSON COUNTY, INDIANA

§ 9-1-7-1 PURPOSE

The purpose of this chapter shall be to protect the safety of the public and County by prohibiting unauthorized removal, movement, or tampering with barricades or other traffic control devices lawfully placed by the County or its agents.

§ 9-1-7-2 DEFINITIONS

The following definitions apply to this Chapter:

A. "***Barricade***" shall mean any physical structure, device, or sign placed to restrict or block access to a public right-of-way.

B. "***Traffic Control Device***" shall mean all signs, cone, barrels, barriers, or other objects placed by or at the direction of the County, its departments, or law enforcement for the purpose of regulating or guiding traffic or ensuring public safety.

C. "***Unauthorized removal or tampering***" shall mean any moving, removing, altering, or otherwise interfering with a barricade or traffic control device without express permission from the County.

§ 9-1-7-3 VIOLATIONS

A. No person shall engage in the unauthorized removal or tampering with a barrier or traffic control device placed by or on behalf of the County.

B. This section shall not apply to any emergency, maintenance, law enforcement, fire, public utility, government agency or medical services vehicle then responding to a service call, and any employees of any of the above exempt services, if engaged in performing their respective duties.

§ 9-1-7-4 ENFORCEMENT

The Johnson County Sheriff's Office shall be charged with enforcing all provisions of this Chapter.

§ 9-1-7-5 PENALTIES

Johnson County Sheriff officers shall issue an Ordinance Violation to any person violating a provision of this Chapter in the following amounts which shall be processed by and paid to the Johnson County Clerk and deposited to Johnson County Johnson County Ordinance Fines Fund No. 4201 as follows:

A. Any person who engages in behavior in violation of this section shall be fined in an amount not to exceed One Hundred Dollars ($100.00) for such offense.

B. Any person who engages in behavior in violation of this section during a travel adviso-ry or emergency declared by the Board of County Commissioners pursuant to Johnson County Code § 10-2-1-1 et seq., shall be fined in an amount not to exceed Five Hundred Dollars ($500.00) for each offense.

C. In addition to the penalty imposed by this section, violators may be held liable for any damages or costs incurred by the County as a result of the violation, including emergency response and repair.

§ 9-1-7-6 Effective Date

This Ordinance shall become effective upon adoption and publication as required by law. (Ord. 2025-O-4, passed 4-28-25)

ARTICLE 2: TRUCK RESTRICTIONS

Section

Chapter 1: Restricted Truck Routes

9-2-1-1 Definitions
9-2-1-2 Truck Operation Prohibited on Restricted Truck Routes
9-2-1-3 Signs
9-2-1-4 Exceptions
9-2-1-5 Effect of Annexation
9-2-1-6 Penalties
9-2-1-7 Effective Date

CHAPTER 1: RESTRICTED TRUCK ROUTES

§ 9-2-1-1 DEFINITIONS.

"Truck" as used in this Ordinance means a motor vehicle designed, used, or maintained primarily for the transportation of property or goods. For purposes of this ordinance, "truck" also includes the following:

a. A motor vehicle designed and used primarily for drawing another vehicle and constructed to carry a load other than a part of the weight of the vehicle and load so drawn.
b. A non-cargo carrying power unit designed to operate in combination with a semi-trailer or trailer and includes a dromedary deck and plate.

(Ord. 2020-O-10.1, passed 10-26-2020)

§ 9-2-1-2 TRUCK OPERATION PROHIBITED ON RESTRICTED TRUCK ROUTES.

No person shall operate a truck on certain portions of the following streets ("Restricted Truck Routes") under the jurisdiction of Johnson County, Indiana:

a. County Road 700 N/Clark School Road between 300 E/Five Points Road and N 400 E/North Hurricane Road;
b. County Road E 800 N/Billingsly Road between N 325 E/Griffith Road and N 440 E/Franklin Road;
c. N 325 E/Griffith Road;
d. County Road S 450 E, between the City of Franklin city limits and Greensburg Road;
e. Greensburg Road, between S 450 E and S 510 E;
f. County Road S 510 E, between Greensburg Road and E 250 S;
g. County Road E 250 S, between Old US 31 and S 510 E;
h. County Road S 550 E, between the City of Franklin city limits and Greensburg Road;
i. County Road E 50 S, between S 550 E and S 600 E; and
j. County Road S 600 E, between E 50 S and E 250 S.

(Ord. 2020-O-10.1, passed 10-26-2020, amended by Ord. 2023-O-14, passed 6-26-2023)

§ 9-2-1-3 SIGNS.

The Johnson County Highway Department is hereby authorized and directed to designate appropriate signs placed along the Restricted Truck Routes.
(Ord. 2020-O-10.1, passed 10-26-2020)

§ 9-2-1-4 EXCEPTIONS.

The prohibitions in this Chapter do not apply to the following:

a. Operation of buses not more than forty-five (45) feet in length;
b. Road repair, construction, or maintenance vehicles while involved in the repair, construction, or maintenance of County infrastructure; and
c. Trucks engaged in (1) pick-up; (2) delivery; or (3) service call activities; to properties located directly on the Restricted Truck Routes where alternate access is not available or feasible, so long as travel on Restricted Truck Routes is kept to a minimum. Such trucks shall be driven in such a manner as to leave a non-restricted truck route and proceed to and from their destination by the most direct route.

(Ord. 2020-O-10.1, passed 10-26-2020)

§ 9-2-1-5 EFFECT OF ANNEXATION.

Annexations or other jurisdictional changes for portions of Restricted Truck Routes shall not invalidate or otherwise modify the applicability of this Ordinance on portions of Restricted Truck Routes remaining under the County's jurisdiction.
(Ord. 2020-O-10.1, passed 10-26-2020)

§ 9-2-1-6 PENALTIES.

Anyone who operates a truck on a Restricted Truck Route in violation of this Chapter commits a Class C infraction pursuant to IC 9-20-1-4 and IC 34-28-5-4 and shall be subject to a fine of up to five hundred dollars ($500.00) plus costs.
(Ord. 2020-O-10.1, passed 10-26-2020)

§ 9-2-1-7 EFFECTIVE DATE.

This Ordinance shall be effective October 26, 2020, or when signs required by Section 3 are placed along the Restricted Truck Routes, whichever is later.
(Ord. 2020-O-10.1, passed 10-26-2020)

TITLE 10: PUBLIC SAFETY

Article

1.	**CIVIL DEFENSE ORGANIZATION**
2.	**WEATHER TRAVEL ADVISORY**
3.	**EMERGENCY MANAGEMENT AND HOMELAND SECURITY**
4.	**ADDRESSES; 9-1-1**
5.	**RESTRICTION OF PUBLIC AVAILABILITY OF ADDRESSES**
6.	**NOISE CONTROL**

ARTICLE 1: CIVIL DEFENSE ORGANIZATION

Section

Chapter 1: Emergency Management Department
10-1-1-1 General provisions

CHAPTER 1: EMERGENCY MANAGEMENT DEPARTMENT

§ 10-1-1-1 GENERAL PROVISIONS.

(A) There is hereby established within the County a joint organization for civil defense to be operated in conformity with the State Civil Defense and

Disaster Law of 1975. This organization will be known as the County Emergency Management Department.

(B) A director will be appointed for said department to serve during the pleasure of the County Board of Commissioners.

(C) The County Treasurer will be responsible for the receipt and disbursement of all Emergency Management funds, where funds are provided for Emergency Management purposes.

(Ord. 81-4, passed 5-4-1981)

ARTICLE 2: LOCAL TRAVEL ADVISORIES

Section

Chapter 1: General Provisions

10-2-1-1 Title and Application
10-2-1-2 Local Travel Advisories Categories
10-2-1-3 Procedure
10-2-1-4 Publication
10-2-1-5 Exemptions
10-2-1-6 Penalties

Chapter 2: Weather Routes

10-2-2-1 General Provisions
10-2-2-2 Signs

CHAPTER 1: GENERAL PROVISIONS

§ 10-2-1-1 TITLE AND APPLICATION.

This ordinance shall be known as the Local Travel Advisory Ordinance of Johnson County, Indiana and shall apply to all roads, highways, and rights-of-way within Johnson County, Indiana.
(Ord. 81-4, passed 5-4-1981, superseded by Ord. 2014-3, passed 5-12-2014)

§ 10-2-1-2 LOCAL TRAVEL ADVISORIES CATEGORIES.

The following categories of local travel advisories are hereby established in accordance with Indiana Code 10-14-3-29.5:

(A) **"Advisory"**

This level may be declared when routine travel or activities may be restricted in areas of the county because of a hazardous situation; citizens should use caution or avoid these areas.

(B) **"Watch"**
This level may be declared when conditions are threatening to the safety of the public. Only essential travel is recommended (i.e. to and from work, emergency situations, etc.). At this level, emergency action plans should be implemented by businesses, schools, government agencies and other organizations.

(C) **"Warning"**
This level may be declared when roads have become impassable and the Johnson County Highway Department is not able to keep the roadways cleared due to a severe snow fall, flooding, or similar extreme weather conditions. Travel may be restricted to emergency management workers ONLY and essential emergency travel by members of the public as the Board may further direct, such as privately employed health care workers. During a warning local advisory, individuals are directed to:

(1) Refrain from all travel;
(2) Comply with necessary emergency measures;
(3) Cooperate with public officials and disaster services forces in executing emergency operations plans; and
(4) Obey and comply with the lawful directions of properly identified officers.

(Ord. 81-4, passed 5-4-1981, superseded by Ord. 2014-3, passed 5-12-2014)

§ 10-2-1-3 PROCEDURE.

(A) In the absence of a local disaster emergency, the Johnson County Board of Commissioners, in cooperation with the Johnson County Emergency Management Director may issue an "advisory" or "watch" travel advisory.

(B) If the Johnson County Board of Commissioners declares a local disaster emergency under Section 10-3-3-3 of these ordinances, the Board shall designate an "advisory," "watch," or "warning" travel advisory.

(C) A "warning" travel advisory may be issued only after or as a part of a declaration of local disaster emergency under 10-3-3-3 of these ordinances.

(Ord. 81-4, passed 5-4-1981, superseded by Ord. 2014-3, passed 5-12-2014)

§ 10-2-1-4 PUBLICATION.

Publication and broadcast of an "advisory," "watch," or "warning" travel advisory shall be made or caused to be made by the Board or other officials designating the level of travel advisory using a press release to all law enforcement agencies, fire departments, hospitals, and news media in the county.

(Ord. 81-4, passed 5-4-1981, superseded by Ord. 2014-3, passed 5-12-2014)

§ 10-2-1-5 EXEMPTIONS.

Vehicles exempt from the travel and parking restrictions imposed in a travel advisory pursuant to this Ordinance shall include medical assistance, law enforcement, fire department, emergency management, public utility, and fuel hauling vehicles, and employees of any of the above exempt services, if engaged in performing their respective duties.
(Ord. 81-4, passed 5-4-1981, superseded by Ord. 2014-3, passed 5-12-2014)

§ 10-2-1-6 PENALTIES.

(A) Any person violating any provisions of this ordinance or the vehicle use or parking restrictions contained in a local declaration of disaster emergency or a "warning" travel advisory may be fined any sum not to exceed $100.00 and such shall be enforceable in any court of law, duly authorized by Indiana state law, and in addition to such fine the court shall be authorized to direct the violator to repay the County any monetary losses or expenses incurred.
(B) Any vehicle violating any of the restrictions contained in a "warning" travel advisory is subject to removal by towing or other means at the expense of the owner of the vehicle, when such towing and/or removal is deemed necessary by a duly authorized representative of any one or more of the following: the Johnson County Highway Department, the Johnson County Sheriff's Office, an Indiana State Conservation Officer, or the Indiana State Police.

(Ord. 81-4, passed 5-4-1981, superseded by Ord. 2014-3, passed 5-12-2014)

CHAPTER 2: WEATHER ROUTES

§ 10-2-2-1 GENERAL PROVISIONS.

Upon the declaration of a "advisory" or "watch" travel advisory by the Johnson County Board of Commissioners under Johnson County Code § 10-2-1-1 et seq., the Johnson County Highway Department is ordered to open for public travel the following roads in the unincorporated area of Johnson County, which are hereby declared weather advisory routes:

Road Name	***From***	***To***
Mauxferry Road	US 31	SR 252
S 800 E (County Line)	SR 252	Greensburg Road
Greensburg Road	Franklin City Limits	S 800 East
700 E	Greensburg Road	E 550 N
E 550 N	N 700 E	N 750 E

Road Name	***From***	***To***
N 750 E	E 550 N	Rocklane Road
Rocklane Road	Greenwood City Limits	Johnson/Shelby County Line
N 700 E	Rocklane Road	Johnson/Marion County Line
Hurricane / Franklin Rd	Franklin City Limits	Johnson/Marion County Line
Graham Rd	Franklin City Limits	E 750 N
500 N	N 800 W	N 700 E
E 300 N	Franklin City Limits	N 625 E
Centerline Rd	SR 44	Whiteland Town Limits
S 200 E (Nineveh Rd)	US 31	E 300 S
300 S	Mauxferry Road	S 600 W
S 100 E (Nineveh Rd)	E 300 S	Johnson/Brown County Line
750 S / 775 S	S 100 E (Nineveh Rd)	300 West
250 W	750 S	Johnson/Brown County Line
S 500 W	SR 252	Johnson/Brown County Line
625 S / 700 S	S 300 W	Johnson/Morgan County Line
600 W	W 300 S	SR 44
575 W / 600 W	SR 44	300 N
Division Road	Centerline Rd	S 600 W
400 W (Earl Vaughn Rd)	Bargersville Town Limits	SR 44
W 300 N	Bargersville Town Limits	N 725 W
N 725 W	W 300 N	W 350 N (Banta Rd)
W 350 N	N 725 W	N 800 W
500 W (Morgantown Rd)	W 300 N	Johnson/Marion County Line
400 W (Saddle Club Rd)	CR 144	W 700 N (Stones Crossing Rd)
400 W (Berry Rd or Peterman Rd)	N 800 W (Olive Branch Rd)	Johnson/Marion County Line
Fairview Rd	SR 37	SR 135
Smith Valley Rd	SR 37	SR 135
Olive Branch Rd	SR 37	SR 135
Stones Crossing Rd	SR 37	SR 135
Smokey Row Rd	CR 144	SR 135
CR 144	Bargersville Town Limits	SR 37
200 N	SR 144	Franklin City Limits
S 300 W	Trafalgar Town Limits	W 750 S
S 200 E (Airport Rd)	E 300 S	SR 252
E 650 S	US 31	Johnson/Shelby County Line
E 700 N	Greenwood City Limits	Johnson/Shelby County Line

(Ord. 96-5, passed 3-18-1996, superseded by Ord. 2014-04, passed 5-12-2014)

§ 10-2-2-2 SIGNS.

The Johnson County Highway Department shall post appropriate signage designating the weather advisory routes at the discretion of the Johnson County Board of Commissioners.
(Ord. 96-5, passed 3-18-1996, superseded by Ord. 2014-04, passed 5-12-2014)

ARTICLE 3: EMERGENCY MANAGEMENT AND HOMELAND SECURITY

Section

Chapter 1: General Provisions
10-3-1-1 Applicability
10-3-1-2 Definitions
10-3-1-3 Scope and intent; liberal construction of powers
10-3-1-4 Limitations; emergency powers of County Sheriff
10-3-1-5 Limitations; emergency powers of incorporated municipalities; conformance with County regulations

Chapter 2: Organizations and Administration
10-3-2-1 County Emergency Management Advisory Council established; appointment and terms of members; election of officers
10-3-2-2 County Department of Emergency Management and Homeland Security established; organization and constituency
10-3-2-3 Director of Emergency Management and Homeland Security; appointment; qualifications and tenure
10-3-2-4 Director of Emergency Management and Homeland Security; general powers and duties
10-3-2-5 Deputy Director; general powers and duties
10-3-2-6 County Board of Commissioners; general administrative powers and duties; tests of emergency plans
10-3-2-7 Volunteers; qualifications and appointment of
10-3-2-8 Departmental personnel administration
10-3-2-9 Departmental budgeting and finance
10-3-2-10 Emergency Management Operations Plan and Comprehensive Emergency Plan; formulation, content, and adoption
10-3-2-11 County-wide jurisdiction of Department of Emergency Management and Homeland Security, County Emergency Operations Plan, and related official duties

Chapter 3: Emergency Powers, Regulations, and Procedures
10-3-3-1 Applicability

10-3-3-2 Pre-disaster responsibilities of Department of Emergency Management and Homeland Security
10-3-3-3 Special emergency powers and duties of Chief Executive Officer; declaration of local disaster emergency
10-3-3-4 Special emergency powers and duties of Chief Executive Officer; convention of emergency meetings of County Board of Commissioners; special meeting procedures
10-3-3-5 Special emergency powers and duties of Chief Executive Officer; plenipotentiary powers in absence of County Board of Commissioners quorum
10-3-3-6 Special emergency powers and duties of County Board of Commissioners
10-3-3-7 Special emergency powers and duties of Director of Emergency Management and Homeland Security; recommendations to County Board of Commissioners on special emergency actions
10-3-3-8 Special emergency powers and duties of Director of Emergency Management and Homeland Security
10-3-3-9 General duties of County officers and employees during emergency
10-3-3-10 Priority of emergency orders, rules, and regulations
10-3-3-11 Noncompliance with emergency orders, rules, and regulations; obstruction or impersonation of emergency management authorities; penalties and enforcement
10-3-3-12 Limitation of liability during state of emergency or emergency management tests
10-3-3-13 Reimbursement for use of property commandeered during emergency

CHAPTER 1: GENERAL PROVISIONS

§ 10-3-1-1 APPLICABILITY.

The provisions of this chapter, unless otherwise indicated, also apply to, govern, and refer to matters contained in §§ 10-3-2-1 through 10-3-3-13 of this article.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-1-2 DEFINITIONS.

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

COUNCIL. Unless otherwise referring to the County Council, means the County Emergency Management Advisory Council as established under § 10-3-1-1 of this

article.

COUNTY CHIEF EXECUTIVE OFFICER. As referred to in I.C. 10-14-3-29(a), for purposes of declaring a local disaster emergency, and as referred to hereinafter, means the presiding officer of the County Board of Commissioners. The presiding officer shall be considered as the regularly designated President of the County Board of Commissioners, except if he or she is absent or incapacitated, and the County Board of Commissioners has a regularly designated President Pro Tem, then the President Pro Tem, shall be considered as the Chief Executive Officer. If the President is absent or incapacitated and there is no designated President Pro Tem, then the remaining two Commissioners shall select among themselves one to be presiding officer in the same manner as when an ordinary business meeting needs to be conducted in the absence of the President. If both the President and another Commissioner are absent or incapacitated, then the remaining Commissioner shall be considered the presiding officer.

DIRECTOR. Refers to the County Director of Emergency Management and Homeland Security as established and appointed pursuant to § 10-3-2-3 of this article.

EMERGENCY. A condition resulting from enemy attack, or other hostile action, or from natural disaster, or from man-made disasters, which cannot be handled by normal operating personnel or facilities.

EMERGENCY MANAGEMENT. The preparation for and the execution of all emergency functions, other than functions for which the military forces are primarily responsible, for protection against and to minimize and repair injury and damage resulting from enemy attack, sabotage, or other hostile action or by natural disaster.

EMERGENCY MANAGEMENT VOLUNTEER. Any person who serves without compensation in the County Department of Emergency Management and Homeland Security, including persons and private agencies or government units offering services to the County during emergency situations or mutual aid to other emergency services who request assistance.

MAN-MADE DISASTERS. Any condition such as riots, strikes, insurrections, or other civil disturbances.

NATURAL DISASTER. Any condition affecting or threatening public health, welfare, or security as a result of flood, tornado, blizzard, or other natural cause.

PARTICIPATING EMERGENCY SERVICE.

(1) Any County department or agency designated by the Commissioner to participate in emergency activities pursuant to § 10-3-2-2(D); and

(2) Any department or agency of the state, another county, a municipality, or other municipal corporation, or a volunteer organization designated to participate in the County's emergency management programs and activities pursuant to a cooperative or mutual aid agreement entered into pursuant to I.C. 10-14-3-16 and § 10-3-2-4(E).

PERSONNEL. County officers and employees and emergency management volunteers, unless otherwise indicated.

TECHNOLOGICAL DISASTER. Incidents such as severe fire, explosions, hazardous material spills, radiological problems which are beyond the control of regular forces.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-1-3 SCOPE AND INTENT; LIBERAL CONSTRUCTION OF POWERS.

The general intent of this article is to provide for all necessary and dispensable powers and procedure reasonably needed to prevent, cope with, or make more tolerable emergency conditions. For this and all powers, both ministerial and discretionary, as conferred herein, shall be liberally construed and shall be construed as intending to supplement and augment, and not to limit, any other powers or reasonable exercise of discretion which may ordinarily pertain to County officers, employees, departments, and agencies.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-1-4 LIMITATIONS; EMERGENCY POWERS OF COUNTY SHERIFF.

Nothing in this article is intended to supersede or delimit any statutory powers of the County Sheriff to determine, responds to, and provides for the control of public disasters and other emergency situations under the provisions of I.C. 10-2-4-6 and 10-2-4-7.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-1-5 LIMITATIONS; EMERGENCY POWERS OF INCORPORATED MUNICIPALITIES; CONFORMANCE WITH COUNTY REGULATIONS.

Nothing in this article is intended to supersede or delimit the powers of any incorporated municipality under I.C. 10-14-3-17 to adopt and implement emergency plans, and promulgate and enforce special emergency regulations and procedures in the advent of an actual emergency affecting such municipality. However, pursuant to I.C. 10-14-3-22, such regulations and procedures as promulgated by the municipal authorities may not be inconsistent with the County emergency regulations and procedures.
(Ord. 05-11, passed 5-9-2005)

CHAPTER 2: ORGANIZATIONS AND ADMINISTRATION

§ 10-3-2-1 COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL ESTABLISHED; APPOINTMENT AND TERMS OF MEMBERS; ELECTION OF OFFICERS.

(A) In accordance with I.C. 10-14-3-17(b), there is established a County Emergency Management Advisory Council which shall consist of the following individuals or their designees:
- (1) The President of the County Executive.
- (2) The President of the County fiscal body.
- (3) The Mayor of each city located in the County.
- (4) An individual representing the legislative bodies of all towns located within the County.
- (5) Representatives of such private and public agencies or organizations which can be of assistance to emergency management as the organizing group considers appropriate, or as may be added later by the County Emergency Management Advisory Council.
- (6) One commander of a local civil air patrol unit in the County or the commander's designee.

(B) The Advisory Council shall have a Chairman, a Vice Chairman, and a Recording Secretary. These officers shall be elected by the Advisory Council for one-year terms.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-2 COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY ESTABLISHED; ORGANIZATION AND CONSTITUENCY.

(A) There is hereby established a Department of Emergency Management and Homeland Security within the executive branch of the County government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing County departments and agencies to prepare for and meet any emergency as defined in § 10-3-1-2 of this article. The County Board of Commissioners and the County Director of Emergency Management and Homeland Security shall be responsible for its organization, administration, and operation. The Department shall consist of the following:
- (1) The executive head of the County Department of Emergency Management and Homeland Security, who shall be known as the County Director of Emergency Management and Homeland Security appointed in accordance with § 10-3-2-3 of this chapter;

(2) An emergency coordinator, who shall be the chief deputy of the Director and who may be appointed by the Director with the approval of the Advisory Council;
(3) Emergency management volunteers, as deemed necessary and appointed by the Director in accordance with § 10-3-2-7 of this chapter;
(4) The employees, equipment, and facilities of all County departments and agencies suitable for, or adaptable to, emergency management and designated by the County Board of Commissioners to participate in the emergency management activity;
(5) Staff officers with responsibility for warning, communications, radiological, health, emergency medical services, police, fire, and light rescue, public education, and transportation, who may be appointed by the Director but which positions shall be, so far as possible, additional duty assignments to existing personnel; and
(6) Such assistants, clerical help, and other employees as deemed necessary to the proper functioning of the Department, who may be appointed by the Director.

(B) However, notwithstanding any other provision of this section, no compensated position may be established within the County Department of Emergency Management and Homeland Security nor any person appointed to such position, without the authorization of the County Council pursuant to I.C. 36-2-5-3(a) and the making of sufficient appropriations to pay such compensation. This provision does not give the County Council any power of approval over particular candidates for any positions, but refers only to their general statutory powers to determine the numbers of officers, deputies, and adopt schedules of compensation. In addition, it is also the intent of this section that emergency management and disaster assignments shall be as nearly consistent with normal duty assignments as possible.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-3 DIRECTOR OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY; APPOINTMENT; QUALIFICATIONS AND TENURE.

The Director shall be appointed by the County Emergency Management Advisory Council. Qualifications for the Director will be determined by the Advisory Council with input from the County Board of Commissioners and the State Emergency Management Director, provided that pursuant to I.C. 10-14-3-17(d), the Director may hold no other County or state office. The appointment of the Director shall be permanent unless the Advisory Council determines the Director to be inadequate to fulfill his or her responsibilities, which shall include dereliction of duties (including failure to provide the State Emergency Management required annual reports and documentation), malfeasance in office, incompetence, insubordination, or deliberate disregard of the directives of

superior County or state authorities, or physical or mental incapacity to perform his or her duties.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-4 DIRECTOR OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY; GENERAL POWERS AND DUTIES.

(A) The Director, subject to the direction and control of the Advisory Council and/or the County Board of Commissioners, shall be executive head of the County Department of Emergency Management and Homeland Security and shall have responsibility for the organization, administration, and operation of the emergency management organization, including the following specific powers and duties:

(1) The Director shall be responsible for public relations, information, and education regarding all phases of emergency management.

(2) The Director shall be responsible for the development of a County Emergency Operating Plan, and upon adoption, shall be responsible for such implementation, and revision of the plan as to maintain it on a current state of readiness at all times. This plan shall include all major cities within the County.

(3) The Director shall coordinate, within the County, all activities for emergency management and shall maintain liaison and coordinate with all other affected agencies, public and private.

(4) The Director shall coordinate the recruitment and training for volunteer personnel and agencies to augment the personnel and facilities of the County for emergency management purposes.

(5) The Director may seek, negotiate, and enter into (with the approval or ratification of the County Board of Commissioners and to the extent consistent with the state emergency management disaster plan and program) mutual aid arrangements with other public and private agencies for emergency management purposes, and take all steps in accordance with such arrangements to comply with or take advantage thereof in the event of an actual emergency affecting the parties.

(6) The Director may, when such offer has been approved by the Governor, accept any offer of the federal government to provide for the use of the County and services, equipment, supplies, materials, or funds for emergency management purposes by way of gift, grant, or loan.

(7) The Director may seek and accept from any person, firm, or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds, or licenses, or privileges to use real estate or other premises, to the County for emergency management purposes.

(8) The Director may issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management.

(B) The Director, in addition to the powers and duties expressly provided above, shall be construed to have all powers and duties of a local emergency management director as provided under I.C. 10-4-1. In particular, but not by limitation, the Director, through the Department of Emergency Management and Homeland Security may perform or cause to be performed with respect to the County, any function parallel or analogous to those performed on a statewide basis by the Indiana Department of Emergency Management under I.C. 10-14-3-9(i) or (j).

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-5 DEPUTY DIRECTOR; GENERAL POWERS AND DUTIES.

If a Deputy Director has been appointed pursuant to § 10-3-2-2(B) of this chapter, he or she shall during normal times, assist the Director in the performance of his or her duties. During an emergency, the Deputy Director shall assist the Director and fulfill the duties of the Director in the absence or inability of the Director to serve.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-6 COUNTY BOARD OF COMMISSIONERS; GENERAL ADMINISTRATIVE POWERS AND DUTIES; TESTS OF EMERGENCY PLANS.

The powers and duties of the County Board of Commissioners pertaining to emergency management in time of normal County operation are to:

(A) Maintain general supervision over the planning and administration for the Department of Emergency Management and Homeland Security;

(B) Adopt the emergency management and disaster plans; and

(C) Coordinate the emergency management activities and make assignments of emergency management activities and make assignments of emergency management duties to County forces in order to meet situations not covered in the normal duties and powers of such agencies. In addition, the County Board of Commissioners may take all necessary action to conduct tests of the emergency management plans. Emergency management tests may be conducted at any time with or without prior notification. All emergency tests conducted within the boundaries of the County shall be coordinated with the Department of Emergency Management and Homeland Security and the County Sheriffs Department.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-7 VOLUNTEERS; QUALIFICATIONS AND APPOINTMENT OF.

(A) The Director shall make sure that all volunteer personnel meet the following qualifications before he or she is sworn in as a member:
(1) Must be at least 18 years of age;
(2) Have no criminal record;
(3) Complete and have on file an application form; and
(4) Sign and have on file a loyalty oath (of the form prescribed by I.C. 10-14-3-27).

(B) Upon satisfaction of the above requirements, the applicant is officially a member of the County Emergency Management.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-8 DEPARTMENTAL PERSONNEL ADMINISTRATION.

In general, any paid employees of the Department of Emergency Management and Homeland Security shall have the same employment status and shall be governed by the same uniform personnel policies, rules, and procedures that apply to other County employees. However, in the event that and during such times as the County Emergency Management Program may hereafter be directly supported by federal funding, the County Board of Commissioners shall adopt and implement a merit system applicable only to paid employees of the Department other than the Director. Such merit system shall conform to the standards and comply with other requirements as set forth in CPG 1-3: Federal Assistance Handbook: Emergency Management Direction and Control Programs (January, 1984) or subsequent editions thereof as may be in effect at the time.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-9 DEPARTMENTAL BUDGETING AND FINANCE.

The Advisory Council shall advise the Director in the preparation of the budget. The County Council shall appropriate such funds as it may deem necessary for the purpose of emergency management. All funds appropriated or otherwise available to the Department of Emergency Management and Homeland Security shall be administered by the Director, subject to the approval of the County Board of Commissioners, in the same manner as provided by law or ordinance or other County funds, except as otherwise provided under § 10-3-3-6(A)(9) through (11) of this article.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-10 EMERGENCY MANAGEMENT OPERATIONS PLAN AND COMPREHENSIVE EMERGENCY PLAN; FORMULATION, CONTENT, AND ADOPTION.

(A) (1) The County Emergency Operations Plan and Comprehensive Emergency Management Plan shall be adopted by resolution of the County Board of Commissioners. In the preparation of this plan, as it

pertains to County organization, it is the intent that the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent possible.

(2) The following basic plan content shall be adopted:

(a) Purpose;
(b) Situation/assumption;
(c) Concept of operations;
(d) Assignment of responsibilities;
(e) Direction and control;
(f) Continuity of government;
(g) Administration and logistics;
(h) Execution.

(B) The following annexes will be required:

(1) Direction and control (warning and communications);
(2) Radiological protection;
(3) Law enforcement;
(4) Fire and rescue;
(5) Health and medical;
(6) Welfare;
(7) Shelter;
(8) Evacuation;
(9) Public works;
(10) Resource and supply.

(C) In addition, all participating emergency services who develop internal plans shall coordinate those plans with the Department of Emergency Management and Homeland Security in order to include such plans within the County Comprehensive Plan. When approved, it shall be the duty of all County departments and agencies to perform the functions and duties assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-11 COUNTY-WIDE JURISDICTION OF DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, COUNTY EMERGENCY OPERATIONS PLAN, AND RELATED OFFICIAL DUTIES.

Except as provided by §§ 10-3-1-4 and 10-3-1-5 of this article, the jurisdiction of the County Department of Emergency Management and Homeland Security, and the jurisdiction and applicability of the County's Emergency Operations Plan as adopted pursuant to § 10-3-2-10, and the exercise of any powers of the Chief Executive Officer of the County and the County Board of Commissioners under §§ 10-3-3-1 through 10-3-3-13, shall be comprehensive and inclusive Countywide and effective in both the incorporated and unincorporated areas of the County.
(Ord. 05-11, passed 5-9-2005)

CHAPTER 3: EMERGENCY POWERS, REGULATIONS, AND PROCEDURES

§ 10-3-3-1 APPLICABILITY.

This chapter applies whenever:

(A) A state of emergency affecting all or part of the County has been declared by the Governor pursuant to I.C. 10-14-3-12;

(B) A state of emergency affecting all or part of the County has been declared by the Chief Executive Officer of the County pursuant to I.C. 10-14-3-29(a) and § 10-3-3-2 of this chapter;

(C) A presumptive state of emergency is deemed to exist affecting all or part of the County causing the Director to invoke and implement emergency plans and procedures in accordance with 10-3-3-8 of this chapter; or

(D) When the County Board of Commissioners has implemented a test of the County's emergency plans and procedures in accordance with § 10-3-2-6 of this article, to the extent necessary or dispensable to such test.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-2 PRE-DISASTER RESPONSIBILITIES OF DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY.

The Department of Emergency Management and Homeland Security's primary pre-disaster responsibility shall be the warning function as prescribed in the warning plan, and emergency communications as prescribed in the communications plan for the entire County, including all cities and towns.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-3 SPECIAL EMERGENCY POWERS AND DUTIES OF CHIEF EXECUTIVE OFFICER; DECLARATION OF LOCAL DISASTER EMERGENCY.

In the event of actual or threatened enemy attack or disaster affecting the County, the Chief Executive Officer of the County may declare a local disaster emergency pursuant to I.C. 10-14-3-29(a) for any period not to exceed seven days. The declaration shall be in writing and indicate the nature of the disaster and the conditions in writing and indicate the nature of the disaster and the conditions which have brought it about, and the area or areas threatened and to which the state of emergency applies (which may include the entire County or only designated parts thereof). The declaration shall be filed in the offices of the County Clerk, the County Auditor, and the clerk of any incorporated municipality included in the declared disaster area and shall be announced or disseminated to the general public by the best means available. However, the declaration

is not invalidated nor ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances. Such a declaration is not necessary if the Governor, pursuant to I.C. 10-4-3-12, has already proclaimed a statewide or area-wide state of emergency including the County.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-4 SPECIAL EMERGENCY POWERS AND DUTIES OF CHIEF EXECUTIVE OFFICER; CONVENTION OF EMERGENCY MEETINGS OF COUNTY BOARD OF COMMISSIONERS; SPECIAL MEETING PROCEDURES.

As soon as possible after a disaster emergency affecting the County is declared either by the Governor or by the County Chief Executive Officer, the County Chief Executive Officer shall convene a meeting of the County Board of Commissioners to perform their legislative and administrative functions as the situation may demand. If the County Chief Executive Officer fails or is unable to perform the above duty, the meeting shall be convened by some other member of the County Board of Commissioners, or by the Auditor or the successively empowered County officers, in accordance with I.C. 36-2-2-8(a). Any such meeting of the County Board of Commissioners shall automatically be deemed an emergency meeting subject only to such procedural provisions of law as govern emergency meetings of County Board of Commissioners, including relaxation of any applicable notice requirements pursuant to I.C. 5-14-1.5-5(d), and may be held in any convenient and available place. The meeting shall continue without adjournment for the duration of the disaster emergency, but may be recessed for reasonable periods of time as necessary and permitted by the circumstances.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-5 SPECIAL EMERGENCY POWERS AND DUTIES OF CHIEF EXECUTIVE OFFICER; PLENIPOTENTIARY POWERS IN ABSENCE OF COUNTY BOARD OF COMMISSIONERS QUORUM.

In the event that a quorum of the County Board of Commissioners cannot be assembled for purposes of the meeting required under § 10-3-3-4 of this chapter, the County Chief Executive Officer shall be considered a plenipotentiary representative of the County Board of Commissioners and shall have all powers and may take all actions of the full County Board of Commissioners under § 10-3-3-6(A)(2) through (13) of this chapter until the assemblage of a quorum is possible.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-6 SPECIAL EMERGENCY POWERS AND DUTIES OF COUNTY BOARD OF COMMISSIONERS.

(A) At the meeting convened under § 10-3-3-4 of this chapter, the County Board of Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith. In addition, however, they may also exercise any of the following special and extraordinary powers:

(1) The County Board of Commissioners may extend the period of a state of emergency declared by the County Chief Executive Officer pursuant to § 10-3-3-3 to last more than seven days if necessary.

(2) The County Board of Commissioners may terminate the state of emergency, except for a state of emergency proclaimed by the Governor.

(3) The County Board of Commissioners may order the activation and implementation of the County's emergency operations plan that has been adopted pursuant to § 10-3-2-10 of this article, or such several component parts thereof as may be relevant to the emergency.

(4) The County Board of Commissioners may assemble and utilize emergency management forces, including personnel of the Department of Emergency Management and Homeland Security, participating emergency services, and any other forces at the disposal of the County Board of Commissioners hereunder for emergency management purposes.

(5) The County Board of Commissioners may order volunteer forces to the aid of the County, state, or political subdivisions thereof as soon as practicable. Those volunteer forces will be under the direction of the Department of Emergency Management and Homeland Security.

(6) The County Board of Commissioners may, to the extent permitted by I.C. 10-14-3-31 and subject to its provisions, command services from and/or requisition the use of equipment, facilities, supplies, or other property belong to other organizations, corporations, or private persons as necessary to control the emergency and protect and provide for the public safety and welfare.

(7) The County Board of Commissioners may order the evacuation of all or part of the population from stricken areas of the County, and prescribe routes, modes of transportation, and destinations for such evacuation.

(8) The County Board of Commissioners may make provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations, and the like, which would govern the use and location of premises for housing purposes during normal times.

(9) The County Board of Commissioners may suspend, for the duration of the state of emergency (or for a lesser period as they determine), any provisions of or procedures prescribed by

ordinances of the County if they would be impractical during the emergency, would interfere with the implementation and carrying out of emergency plans, or would be inimical to actions necessary to protect the public safety and welfare: provided, however, that except in accordance with subsection (10), hereinafter the County Board of Commissioners may not suspend any provisions of ordinances or procedures which are mandated by statute.

(10) In the event of enemy attack, or when the state of emergency has been proclaimed by the Governor, the County Board of Commissioners may also in accordance with I.C. 10-14-3-17(j)(5) waive any procedures or requirements of statute, or of the County ordinances reflecting statutory requirements and mandates, and pertaining to the appropriation and expenditure of public funds, the incurrence of obligations, the performance of public works, the entering into contracts, the employment of permanent or temporary workers or utilization of volunteer workers, the rental of equipment, or the purchase and distribution of supplies, materials, and facilities.

(11) The County Board of Commissioners may assign special emergency duties and functions to any County offices, departments, and agencies irrespective of their usual duties and functions, and any unexpended and unencumbered monies budgeted and appropriated for the operation of such offices, departments, and agencies and not otherwise dedicated by law to different and specified purposes may, within the scope of each major budget and appropriation category (major object classification), be utilized and expended for the purpose of carrying out such special emergency duties and functions.

(12) The County Board of Commissioners may make and promulgate such emergency regulations as may be deemed necessary to protect life and property, preserve order, conserve critical resources, or implement and carry out the provisions of the County's or state's disaster plans, including but not limited to the power to order the roads closed, establish curfews, close business, or any action that they deem necessary to save lives and recover from a declared emergency. This power also includes the power to supplement, modify, or suspend any general contingency regulations which may have been incorporated as part of the County's previously adopted Emergency Operations Plan. Any emergency regulations adopted under this subsection shall not be effective until promulgated, which promulgation shall be by written filing in the offices of the County Clerk and County Auditor as required by I.C. 10-14-3-22(b), provided however, that should such filing be impossible because of the emergency situation, such regulations shall be effective and enforceable notwithstanding. Such

regulation shall have the full force of law and shall be enforceable by any police officer in accordance with I.C. 10-14-3-24.

(13) The County Board of Commissioners may request the state or the United States or their agencies and political subdivisions to send aid (including financial assistance) if the situation is beyond the control of the regular and emergency County forces and resources.

(B) All actions and regulations under this section may be by executive order, and need not be made or adopted by ordinance or resolution, but shall be consistent with and subordinate to any actions, orders, or regulations made by the Governor or a state agency implementing state Emergency Operations Plans.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-7 SPECIAL EMERGENCY POWERS AND DUTIES OF DIRECTOR OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY; RECOMMENDATIONS TO COUNTY BOARD OF COMMISSIONERS ON SPECIAL EMERGENCY ACTIONS.

It shall be the duty of the Director to make recommendations and advise the County Board of Commissioners or the County Chief Executive Officer on any actions which it would be necessary or desirable to take under § 10-3-3-6 of this chapter in the event of an emergency.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-8 SPECIAL EMERGENCY POWERS AND DUTIES OF DIRECTOR OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY.

In the event that an emergency clearly exists or is imminent within the County, and a state of emergency has not been declared by the Governor nor is any person having the powers of the County Chief Executive Officer present to declare such an emergency pursuant to § 10-3-3-3 of this chapter, the Director may temporarily presume the existence of a state of emergency even though not officially declared and may, as his or her own judgment dictates, invoke, implement, and carry out such provisions of the County's adopted emergency operations plan as are necessary to cope with the emergency and protect the public safety and welfare, and shall be construed to have all powers necessary and dispensable to doing so to the extent not specifically limited by statute or specifically limited herein, until such time as a County Chief Executive Officer becomes available. This section also applies to the Emergency Coordinator to the extent that the Emergency Coordinator is required to assume the duties of the Director, as provided by § 10-3-2-5 of this article, in the latter's absence or incapacitation during the emergency. Assistance from the Department of Emergency Management and Homeland Security may be rendered without a declaration of an emergency in order to assist local emergency services in time of need.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-9 GENERAL DUTIES OF COUNTY OFFICERS AND EMPLOYEES DURING EMERGENCY.

All officers and employees of the County shall cooperate with and give active support to the County Board of Commissioners and the Director in all emergency management operations, and shall comply with all orders of the County Board of Commissioners and the Director issued pursuant to this chapter.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-10 PRIORITY OF EMERGENCY ORDERS, RULES, AND REGULATIONS.

At all times when the orders, rules, and regulations made and promulgated pursuant to this chapter shall be in effect, they supersede all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-11 NONCOMPLIANCE WITH EMERGENCY ORDERS, RULES, AND REGULATIONS; OBSTRUCTION OR IMPERSONATION OF EMERGENCY MANAGEMENT AUTHORITIES; PENALTIES AND ENFORCEMENT.

(A) Whenever this chapter applies as provided in § 10-3-3-1, it shall be unlawful and a penal ordinance violation for any person to:
  (1) Willfully obstruct, hinder, or delay the Commissioners, the Director, participating emergency services, authorized emergency management volunteers, or other authorities as from implementing, carrying out, and enforcing emergency plans and procedures;
  (2) Fail to observe, abide by, and comply with any emergency management duties, orders, regulations, and procedures as made applicable to such person by the appropriate authorities; or
  (3) Falsely wear or carry identification as a member of the County Department of Emergency Management and Homeland Security or to otherwise falsely identify or purport himself or herself to be a County emergency management authority.

(B) Any regular or reserve police officer of the state or any of its political subdivisions, or any member of the County Department of Emergency Management and Homeland Security or a participating emergency service, is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above. Any person who commits an offense as described above shall be liable to a fine of $2,500; such fine to be subject, however, to the discretion of the court of jurisdiction.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-12 LIMITATION OF LIABILITY DURING STATE OF EMERGENCY OR EMERGENCY MANAGEMENT TESTS.

The County, its assigned personnel, and participating emergency services, shall be held blameless and without responsibility for the loss of life or injury to persons or the destruction of any property during an emergency management test or emergency as performed under the direction of the Director.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-13 REIMBURSEMENT FOR USE OF PROPERTY COMMANDEERED DURING EMERGENCY.

Owners of property commandeered for the use in any emergency by any County official shall be reimbursed for its use by the County in a manner approved by the County Council.
(Ord. 05-11, passed 5-9-2005)

ARTICLE 4: ADDRESSES; 9-1-1

Section

Chapter 1: General Provisions
10-4-1-1 Definitions
10-4-1-2 Minimum requirements
10-4-1-3 Penalties
10-4-1-4 Enforcement
10-4-1-5 Effective date

CHAPTER 1: GENERAL PROVISIONS

§ 10-4-1-1 DEFINITIONS.

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

APARTMENTS. Structures which may include multi-family residences.

BUSINESS AND/OR INDUSTRY. An establishment located in some structure which is a purveyor of goods or services.

HOUSE. A structure which may contain one or more residences.

RESIDENCE. Any structure wherein persons live as distinguished from a business or industry.

STREET ADDRESS NUMBERS. Those identifying numerals which are consistent with identification which are recognized by the United States Postal Service and which are the correct numerals to properly identify the location of the property within the County.
(Ord. 2007-23, passed 9-10-2007)

§ 10-4-1-2 MINIMUM REQUIREMENTS.

(A) Every house, residence, apartment, business, and industry within the borders of the County, shall have numbers identifying the location. These numbers are herein referred to as street address numbers for all structures subject to this chapter.

(B) All street address numbers shall be displayed on a mailbox, mailbox post or separate post, or on the house itself and shall be easily visible from the road when traveling in either direction. The street address number display shall be a minimum height of three feet and a maximum height of five feet above road grade as measured from the midpoint of the sign. Alternatively, if displayed on the mailbox post, the street address number display may be mounted directly below the mailbox so long as the midpoint of the sign is no less than two and one-half feet above road grade. In the event the structures to be identified by the street address numbers are situated in such a way that the display of those numbers as the sole means of identification does not adequately identify the structure in the opinion of the Johnson County 9-1-1 Coordinator, then the owner of the structure may also be required to display the street address numbers affixed to the structure in the size and colors as required below.

(C) It is required that the numbers of the display be a color contrasting or nearly contrasting with the background surface color upon which they are mounted.

(D) There shall be no obstructions to preclude the street address numbers from being seen as noted in subsections(B) and (C) above.

(E) All street address numbers shall be a minimum of three inches in height and one and one-half inches in width.

(F) A property with a non-conforming address display of the correct address as assigned by the County Planning and Zoning Department prior to November 2006, or by the County GIS Department from November 2006 on, which does not meet the size and color requirements of this chapter may continue to be used should it substantially fulfill the intent of the ordinance and adequately identify the property in the opinion of the 9-1-1 Coordinator or his or her designee. In the event a non-conforming address

display of the correct address is approved for continued use under this subsection, then the owner of the property shall be sent a letter approving the use by the 9-1-1 Coordinator or the 9-1-1 Coordinator's designee. A copy of this letter shall be kept on file in the County Board of Commissioners Office.

(Ord. 2007-23, passed 9-10-2007)

§ 10-4-1-3 PENALTIES.

(A) Any person, firm, corporation, or governmental unit, whether as principal, agent, employee, or otherwise, who violates any provision of this chapter shall be liable for a violation penalty of up to $500. Each month of continued violation shall be considered a separate violation subject to and up to a $500 per month penalty until corrected. For purposes of this chapter, a month shall constitute 31 days.

(B) The penalties herein shall not exceed $1,000 in aggregate for a first offense or $2,500 in aggregate for subsequent offenses by the same person, firm, corporation, or governmental unit for the same property.

(C) A minimum time period of 90 days must pass between each offense with proper notice given to the person, firm, corporation, or governmental unit violating this chapter and proper time allowed as provided herein in order to allow the person, firm, corporation, or governmental unit to comply with this chapter and thereby cease the violation.

(D) The portion of any fees collected which are necessary to purchase address numbers for the person, firm, corporation, or governmental unit in violation shall be so spent and the purchased numbers shall then be provided to the person, firm, corporation, or governmental unit for proper posting. The remaining portion of any fees collected shall be deposited into the County General Fund.

(E) The penalty or penalties may be collected in any lawsuit by the County Board of Commissioners Office in any action against a violator of any provision of this chapter.

(F) Notwithstanding any provision herein to the contrary, in the event the street address number relied upon for the house, residence, apartment, business, or industry was incorrectly assigned by the County Planning and Zoning Department, the County GIS Department, or the United States Postal Service, then the penalty provisions shall not apply until one year after the correct number has been assigned to the house, residence, apartment, business, or industry by the County.

(G) Each notice sent shall constitute an offense for purposes of the penalty provisions of this chapter.

(Ord. 2007-23, passed 9-10-2007)

§ 10-4-1-4 ENFORCEMENT.

(A) It shall be the responsibility of the County Sheriff's Department, the Fire Departments, the EMS contractors, the County Planning and Zoning Department, or the County GIS Department to report any violation of this chapter to an enforcing authority. The County Planning and Zoning Department and/or the County GIS Department may institute a lawsuit for injunction in a court of the County to restrain an individual, corporation, or governmental unit from violating the provisions of this chapter. Failure to enforce a provision of this chapter shall in no event be deemed a waiver of the right to thereafter enforce the same. In the event a lawsuit is filed, the County shall be entitled to recoup attorney fees and costs, including costs of enforcement.

(B) Enforcement will be accomplished as follows: Upon notice of violation of § 10-4-1-2 above, an initial letter will be sent by the County 9-1-1 Coordinator to the offending party, advising of the violation. The letter shall be sent by certified mail with return receipt to ensure its delivery.

(C) The violator or violators will be allowed 90 days from receipt of the notice in which to correct or cure the violation(s).

(D) The County 9-1-1 Coordinator may then, at his or her discretion, serve a second notice of no less than 30 days through legal counsel acting on the 9-1-1 Coordinator's behalf.

(E) If the violation is not cured or corrected to the satisfaction of the County 9-1-1 Coordinator within the 90-day period, and after expiration or waiver of the subsequent 30-day period, a notice of imposition of penalty shall be delivered to the responsible violator.

(F) The County Board of Commissioners or designee shall collect all paid penalties for those lawsuits initiated by the County 9-1-1 Coordinator.

(G) The County Board of Commissioners shall initiate a lawsuit for collection for all penalties assessed due to action by the 9-1-1 Coordinator yet unpaid.

(H) The unpaid penalty assessed shall become a lien on the subject property owned by the violator.

(Ord. 2007-23, passed 9-10-2007)

§ 10-4-1-5 EFFECTIVE DATE.

This chapter shall be effective 180 days following the last date of publication and upon passage by the County Board of Commissioners and signing by the County Board of Commissioners and the County Auditor.

(Ord. 2007-23, passed 9-10-2007)

ARTICLE 5: RESTRICTION OF PUBLIC AVAILABILITY OF ADDRESSES

Section

Chapter 1: General Provisions
10-5-1-1 Definitions
10-5-1-2 Administration
10-5-1-3 Process for restriction of addresses
10-5-1-4 Emergency requests
10-5-1-5 Appeals
10-5-1-6 Notification to possible covered persons
10-5-1-7 Confidentiality

CHAPTER 1: GENERAL PROVISIONS

§ 10-5-1-1 DEFINITIONS.

The following definitions apply to this Chapter:

Covered Person means:
(1) a judge;
(2) a law enforcement officer;
(3) a victim of domestic violence; or
(4) a public official.

Judge means an individual who holds or formerly held office as:
(1) a judge of the supreme court, court of appeals, tax court, circuit court, superior court, municipal court, county court, federal court, or small claims court; or
(2) a magistrate, commissioner, or juvenile referee of a court.

Law Enforcement Officer means an individual who is employed or was formerly employed as:
(1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;
(2) a deputy of any of the persons specified in subsection (1);
(3) an investigator for a prosecuting attorney or for the inspector general;
(4) a conservation officer;
(5) an enforcement officer of the alcohol and tobacco commission; or
(6) an enforcement officer of the securities division of the office of the secretary of state.

Public Official means an individual who holds or formerly held office at any time during the preceding four (4) years in the executive or legislative branch of the state or federal government or a political subdivision of the state or federal government.

Victim of Domestic Violence means a victim of domestic violence who is certified as a program participant in the address confidentiality program established by the attorney general under IC 5-26.5-2.

(Ord. 2016-11, passed 10-10-2016)

§ 10-5-1-2 ADMINISTRATION.

The Johnson County Information Technology/Geographic Information System Department ("IT/GIS"), located at 86 West Court Street, Franklin, Indiana, shall be responsible for the administration of this Chapter.

(Ord. 2016-11, passed 10-10-2016)

§ 10-5-1-3 PROCESS FOR RESTRICTION OF ADDRESSES.

A Covered Person must submit a written request on a form created by IT/GIS for such purpose. At minimum, such written request shall include all of the following:

(A) The parcel number for the home address of the covered person and for additional parcels that make reference to the home address.
(B) Name of Covered Person as it appears on the current deed of record.
(C) Addresses for the affected parcels.
(D) Contact phone number and/or email address.
(E) Verification of the Covered Person's status, depending on the requestor, as follows:
  (1) A Judge must provide a signed letter on paper stating that he or she is employed or was formerly employed as (1) a judge of the supreme court, court of appeals, tax court, circuit court, superior court, municipal court, county court, federal court, or small claims court; or (2) a magistrate, commissioner, or juvenile referee of a court;
  (2) A Law Enforcement Officer must provide a signed letter on paper stating that he or she is employed or was formerly employed as: (1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general; (2) a deputy of any of the persons specified in subsection (1); (3) an investigator for a prosecuting attorney or for the inspector general; (4) a conservation officer; (5) an enforcement officer of the alcohol and tobacco commission; or (6) an enforcement officer of the securities division of the office of the secretary of state;
  (3) A Victim of Domestic Violence must provide a paper copy of proof of participation in the Attorney General's address confidentiality program; or
  (4) A Public Official must provide a signed letter on paper stating that he or she is serving or has served at any time during the preceding four (4) years in the executive or legislative branch of the state or federal government or a political subdivision of the state or federal government.

After a request is properly submitted with all required materials, IT/GIS shall add the requested parcel(s) to Beacon's suppression list, which will redact all available information for the affected parcel(s). Performing a search by name, address, or parcel number will return no search results nor will display the parcel's location on the map.

Covered Persons who have moved and need to change their home address must submit a written request to IT/GIS.

Covered Persons who have changed their name under IC 34-28-2 must submit a written request to IT/GIS.

The Covered Person's home address shall be restricted until the Covered Person submits a written removal request to IT/GIS.

(Ord. 2016-11, passed 10-10-2016)

§ 10-5-1-4 EMERGENCY REQUESTS.

At the sole discretion of IT/GIS, emergency requests may be granted without proper paperwork, so long as all materials are submitted within a reasonable time thereafter. Failure to submit materials within thirty (30) calendar days shall result in removal from the redaction list.

(Ord. 2016-11, passed 10-10-2016)

§ 10-5-1-5 APPEALS.

Applicants who are denied redaction by IT/GIS may appeal such decision within fifteen (15) calendar days to the Johnson County Board of Commissioners at a regularly scheduled meeting, so long as notice is given in accordance to standard procedures of the Commissioners' Office.

(Ord. 2016-11, passed 10-10-2016)

§ 10-5-1-6 NOTIFICATION TO POSSIBLE COVERED PERSONS.

IT/GIS shall:

(A) Conspicuously post notice of eligibility requirements in Johnson County buildings;

(B) Email notification of eligibility requirements to the highest ranking official in all municipal law enforcement agencies, and to attorneys representing municipalities located in Johnson County.

(C) Email notification to Johnson County elected officials.

(D) Post eligibility information, as well as the required forms, on the Johnson County website.

(Ord. 2016-11, passed 10-10-2016)

§ 10-5-1-7 CONFIDENTIALITY.

All requests made to IT/GIS by a Covered Person is confidential and not subject to the Access to Public Records Act (IC 5-14-3-4(a)).
(Ord. 2016-11, passed 10-10-2016)

ARTICLE 6: NOISE CONTROL

Section

Chapter 1: Noise Control
10-6-1-1 Scope
10-6-1-2 Definitions
10-6-1-3 Noise control policy
10-6-1-4 Prohibited noise
10-6-1-5 Exemptions
10-6-1-6 Enforcement
10-6-1-7 Penalty
10-6-1-8 Effective date
10-6-1-9 Repealer

CHAPTER 1: NOISE CONTROL

§ 10-6-1-1 SCOPE.

This Chapter shall apply to the control of all noise within unincorporated Johnson County ("County"). A custodial parent or guardian shall be responsible for ensuring that any child under 18 years of age complies with this Chapter and is responsible for any fine imposed.
(Ord. 2021-O-17, passed 12-6-2021)

§ 10-6-1-2 DEFINITIONS.

The following definitions apply to this Chapter:
Motor Vehicle means any vehicle powered by a mechanical engine, and designed to be driven or used on any public or private property. Such definition shall include, but not be limited to: automobiles, vans, trucks, motorcycles, motor scooters, dune buggies, snowmobiles, motorboats, all-terrain vehicles, go-carts, minibikes, and trail bikes.
Person means any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.
Unreasonable Noise means sound that is of a volume, frequency, or pattern that prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort,

or repose of reasonable persons of ordinary sensitivities within the County, given the time of day and environment in which the sound is made.
(Ord. 2021-O-17, passed 12-6-2021)

§ 10-6-1-3 NOISE CONTROL POLICY.

(A) It shall be a violation of this Chapter to permit Unreasonable Noise in or about a person's house or premises, including by pets or animals on the property, such that it constitutes a public nuisance.
(B) The sole intent of the provisions of this Chapter is declared to be, as a matter of legislative determination for this declaration of noise control policy, to secure and promote the health, safety, welfare, comfort, and repose of persons in the County by reducing Unreasonable Noise. A determination of a violation of this Chapter may not be based on the content of any message conveyed during the creation of any noise or the identity of any person responsible for or associated with the creation of any noise.
(C) Factors for determining whether a sound is unreasonably loud include, but are not limited to, the following:
    (1) The proximity of the sound to sleeping facilities, whether residential or commercial;
    (2) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
    (3) The time of day or night the sound occurs;
    (4) The duration of the sound; and
    (5) Whether the sound is recurrent, intermittent, or constant.

(Ord. 2021-O-17, passed 12-6-2021)

§ 10-6-1-4 PROHIBITED NOISE.

Except as otherwise provided in § 10-6-1-5, any Person who performs any of the acts enumerated in this section, or who causes or allows the performance of any of such acts in or upon any property owned, occupied, or controlled by said Person, shall be in violation of this section:

(A) *Horns and signaling devices.* The sounding of any horn or other audible signaling device on any Motor Vehicle, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; and the use of any horn, whistle or other device operated by engine exhaust; any of which makes Unreasonable Noise.
(B) *Machines and devices for producing sounds.* Playing, using, operating or permitting to be played, used, or operated, any radio, television, digital media player, loudspeaker, sound amplifier, musical instrument or any machine or device for producing or reproducing sound from a vehicle, private or public property, including public right-of-way, highway, building, sidewalk, park or

thoroughfare, or from a vehicle a vehicle or private property in a manner that makes Unreasonable Noise. The operation of any such machine or device in a manner that produces sound plainly audible to a person with normal hearing:

(1) From any place other than where the sound source is located when the machine or device is being operated between the hours of 10:00 p.m. and 7:00 a.m.; or

(2) From a distance greater than fifty (50) feet from the sound source of the machine or device when it is located in any public street or public place of the County.

(C) *Yelling or shouting.* Yelling or shouting on the public streets, between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place without a reason other than to annoy or disturb the quiet, comfort or repose of any Person.

(D) *Schools, courts, churches, hospitals.* The making of Unreasonable Noise that is plainly audible to a person with normal hearing above normal ambient noise levels at a distance of fifty (50) feet from the source of the noise on any street adjacent to any school, institution of learning, church, court, or hospital while it is in use, provided that conspicuous signs are displayed in such streets indicating that the area is a school or hospital and the relevant building, structure, or space is in use.

(Ord. 2021-O-17, passed 12-6-2021)

§ 10-6-1-5 EXEMPTIONS.

The following shall be exempted from the provisions of this Chapter:

(A) Sound emitted from sirens of authorized emergency vehicles.

(B) Lawn mowers, residential garden tractors, and similar home power tools when properly muffled, between the hours of 7:00 a.m. and 10:00 p.m.

(C) Burglar alarms or other warning devices when properly installed on publicly or privately owned property, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time, when practicable.

(D) Noise connected with celebrations for Memorial Day, July 4th, Halloween, and New Year's Eve.

(E) Permitted parades or festivals, between the hours or 7:00 a.m. and 12:00 midnight, Sunday through Thursday; and between 8:00 a.m. and 1:00 a.m. Friday through Saturday.

(F) Attendant noise connected with the actual performance of organized athletic or sporting events and practices related to them.

(G) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work.

(H) Sounds associated with normal conduction of a legally established nontransient business when such sounds are customary, incidental, and within the normal range appropriate for such use, including, but not limited to, farming equipment used for farming and farming operations.

(I) In the case of Motor Vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven calendar days.

(Ord. 2021-O-17, passed 12-6-2021)

§ 10-6-1-6 ENFORCEMENT.

The Johnson County Sheriff's Office shall be charged with enforcing all provisions of this Chapter.
(Ord. 2021-O-17, passed 12-6-2021)

§ 10-6-1-7 PENALTY.

Any Person who violates any of the provisions of this Chapter may be subject to the following fines (escalation on a calendar year basis):

First Offense: $50.00
Second Offense: $150.00
Third Offense: $300.00
Subsequent Offenses: $1,000.00

Each day a violation occurs shall constitute a separate offense.
(Ord. 2021-O-17, passed 12-6-2021)

§ 10-6-1-8 EFFECTIVE DATE.

This Ordinance shall be effective on January 1, 2022.
(Ord. 2021-O-17, passed 12-6-2021)

§ 10-6-1-9 REPEALER.

Any ordinances inconsistent with this Ordinance are repealed to the extent only of such inconsistency. This Repealer shall not be construed to revise any ordinance repealed under this Chapter.
(Ord. 2021-O-17, passed 12-6-2021)

TITLE 11: COUNTY SHERIFF AND CORRECTIONS

Article

1. FEDERAL FORFEITURE AND SEIZURE FUND

2. RESERVE COUNTY POLICE OFFICERS

3. SHERIFF'S SALE PROGRAM

ARTICLE 1: FEDERAL FORFEITURE AND SEIZURE FUND

Section

Chapter 1: General Provisions
11-1-1-1 Title
11-1-1-2 Findings and purpose
11-1-1-3 Effective date

CHAPTER 1: GENERAL PROVISIONS

§ 11-1-1-1 TITLE.

(A) This chapter shall be known as the "Federal Forfeiture and Seizure Fund (Sheriff's) Ordinance of Johnson County, Indiana."
(B) Whereas, the powers granted to the County Board of Commissioners authorize it to create, by ordinance, as many funds as deemed necessary to operate the County.

(Ord. 99-15, passed 10-4-1999)

§ 11-1-1-2 FINDINGS AND PURPOSE.

The County Board of Commissioners does hereby find that:

(A) Certain funds will be received by the County as a result of the County Sheriff's Office and other law enforcement officers and agencies seizing and disposing of property utilized in the furtherance of criminal activity;
(B) Those funds should be deposited in a separate fund and account;
(C) Those funds should be utilized by the County Sheriff's Office, according to the Department of Treasury Guidelines as outlined in the "Guide to Equitable Sharing for Foreign Countries and Federal State and Local Law Enforcement Agencies" or its successor publication;
(D) Those funds shall be payable subsequent to an authorized appropriation by the County Council;
(E) Accordingly, the County Board of Commissioners finds and declares that the purposes of this chapter are to create a separate fund and account for the receipt of funds associated with the seizing and disposing of property utilized in the furtherance of criminal activity, and that the contents of this

new fund may be utilized by the County Sheriff in the furtherance of his or her official duties and responsibilities as the Sheriff of the County; and

(F) The County Board of Commissioners further finds and declares that the account which is hereby created by this chapter shall be perpetual and non-reverting until terminated by non-participation in Federal Equitable Sharing Program.

(Ord. 99-15, passed 10-4-1999)

Cross-reference:

Sheriff's Office Seizure and Forfeiture Fund, see § 28-1-1-1

§ 11-1-1-3 EFFECTIVE DATE.

This chapter shall be in full force and effect after October 4, 1999.
(Ord. 99-15, passed 10-4-1999)

ARTICLE 2: RESERVE COUNTY POLICE OFFICERS

Section

Chapter 1: General Provisions

11-2-1-1 Twenty-three additional reserve police officers

CHAPTER 1: GENERAL PROVISIONS

§ 11-2-1-1 TWENTY-THREE ADDITIONAL RESERVE POLICE OFFICERS.

There shall be established in the County Sheriff's Office 23 additional reserve County deputy sheriffs, with the deputy sheriffs to be appointed by the authority that regularly appoints members of the County Sheriff's Office, under the following terms and conditions:

(A) The reserve County deputy sheriffs may not be members of the regular County Sheriff's law enforcement force, but shall have all of the law enforcement powers of the members, except as limited by the rules of the County Sheriff's Office. The County Sheriff's Office is authorized to adopt rules to limit the authority of the reserve deputy sheriffs.

(B) Reserve deputy sheriffs may not participate in any pension program provided for regular members of the County Sheriff's Office.

(C) To the extent that the funds for benefits are appropriated, reserve deputy sheriffs may:

(1) Receive a uniform allowance;

(2) Receive compensation for time lost from other employment because of court appearances: and
(3) Be insured for life, accident and sickness coverage.

(D) No reserve deputy sheriff shall be appointed until he or she has completed the training and probationary period specified by the rule of the County Sheriff's Office.

(Ord. 86-31, passed 12-19-1986)

ARTICLE 3: SHERIFF'S SALE PROGRAM

Section

Chapter 1: General Provisions
11-3-1-1 Sheriff's sale program; service fee

CHAPTER 1: GENERAL PROVISIONS

§ 11-3-1-1 SHERIFF'S SALE PROGRAM; SERVICE FEE.

(A) The Sheriff's Sale Program is approved and established to provide authority for the Sheriff to coordinate and provide for those administrative, technical, clerical, and related services that are reasonable and appropriate for the Sheriff to effectively prepare for, manage, and implement foreclosure sales.

(B) The Sheriff's Sale Program shall provide for the delivery of the services in compliance with all applicable statutory provisions for the conduct of foreclosure sale proceedings and the Sheriff's Sale Program.

(C) The Sheriff is hereby authorized to charge a service fee of $200 per parcel of property in the Sheriff's Sale Program for which the Sheriff provides services (the "foreclosure costs fee") and to deposit the foreclosure costs fee collected by the Sheriff as costs in the foreclosure proceeding in the County General Fund.

(D) The foreclosure costs fee shall be payable from the proceeds of the Sheriff's sale in addition to other statutory costs and fees.

(E) The Sheriff's Sale Program shall provide for a complete and accurate accounting of all sale proceeds and compliance with any reporting or record requirements as set forth by the State Board of Accounts.

(F) The Sheriff is further authorized to implement any other policies he or she deems necessary to conduct foreclose sales.

(Ord. 2004-20, passed 11-29-2004)

ARTICLE 4: COMMUNITY CORRECTIONS ADVISORY BOARD

Section

Chapter 1: General Provisions
11-4-1-1 Establishment
11-4-1-2 Membership
11-4-1-3 Organization
11-4-1-4 Powers, duties and responsibilities
11-4-1-5 Defining the program

CHAPTER 1: GENERAL PROVISIONS

§ 11-4-1-1 ESTABLISHMENT.

The County Community Corrections Advisory Board is hereby established.
(Ord. 89-32, passed 10-16-1989)

§ 11-4-1-2 MEMBERSHIP.

(A) The following four members shall serve by virtue of their offices or positions:

(1) The County Sheriff, or the Sheriff's designee;
(2) The Prosecuting Attorney, or the Prosecuting Attorney's designee;
(3) The Mayor of the City of Greenwood, Indiana; and
(4) The director of the local office of the department of child services or the director's designee.

(B) The Judge of the Johnson County Circuit Court shall appoint the following:

(1) Two (2) judges having criminal jurisdiction, or the judges' designees; and
(2) One (1) judge having juvenile jurisdiction.

(C) The judge appointed under (B)(2) of this section shall appoint the following:

(1) One (1) representative from the Johnson County Juvenile Detention Center; and

(2) One (1) representative from the Juvenile Detention Alternative Initiative, but if no program exists, one (1) representative from the Johnson County court appointed special advocate program.

(D) The Johnson County Board of Commissioners shall appoint the following:

(1) One (1) public defender or defense attorney;
(2) One (1) victim or victim advocate, if available;
(3) One (1) ex-offender, if available;
(4) One (1) member of the Johnson County Council, or the member's designee;
(5) One (1) probation officer;
(6) One (1) juvenile probation officer;
(7) One (1) educational administrator;
(8) One (1) mental health administrator;
(9) Four (4) lay persons, at least one (1) of whom must be a member of a minority race, if a member of a minority race is willing to serve.

(E) Appointed members of the Advisory Board shall serve four-year terms. Appointments shall be made for terms commencing January 1. Other members shall serve only while holding the office or position held at the time of appointment. Members may be reappointed.

(F) A vacancy occurring before the expiration of the term of office shall be filled for the unexpired term in the same manner as original appointments. In the event that a successor has not been named to replace a member upon the expiration of the member's term, the member shall continue to serve until a successor has been duly appointed and qualified.

(G) All provisions of this chapter inconsistent with the above are hereby repealed.

(Ord. 89-32, passed 10-16-1989; amended by Ord. 2017-O-6, passed 7-24-2017)

§ 11-4-1-3 ORGANIZATION.

(A) (1) The members of the Advisory Board shall meet within 30 days after the last initial appointment is made for the purpose of organizing and shall elect one member as Chairperson and another member as Vice-Chairperson and shall appoint a Secretary-Treasurer who need not be a member of the Advisory Board.

(2) Thereafter, the Advisory Board shall meet when necessary, but no less than two times per year for the purpose of conducting its business and carrying out it duties and responsibilities. The

Chairperson, Vice-Chairperson, and Secretary-Treasurer shall continue to serve until a successor shall have been selected.

(B) (1) The Advisory Board shall adopt such by-laws, rules, and regulations and select such other officers as it may deem necessary to properly conduct its business.

(2) For the purposes of transacting business, a majority of the membership shall constitute a quorum.

(3) A vacancy in the membership shall not impair the right of a quorum to transact business.

(C) The members of the Advisory Board shall serve without compensation. The members may, however, be reimbursed for approved out-of-pocket expenses incurred in the performance of their duties.

(Ord. 89-32, passed 10-16-1989)

§ 11-4-1-4 POWERS, DUTIES AND RESPONSIBILITIES.

The County Commissioners Corrections Advisory Board shall have the following powers, duties, and responsibilities:

(A) To formulate a community corrections plan providing for individual community corrections programs;

(B) To make recommendations to the Board of Commissioners and any city, town, or private organization in the County for the establishment and operation of community corrections programs;

(C) To prepare any application for state financial aid for the plan and programs as required by I.C. 11-12-2-4, as now or hereafter amended, and to take any action which might be required from time to time under state law in order to qualify the plan and programs for state financial aid;

(D) To observe the operation of community corrections in the County;

(E) To make an annual report to the Board of Commissioners containing an evaluation of the effectiveness of the community corrections programs, with particular attention to any programs receiving state financial aid;

(F) To make recommendations for the improvement, modification or discontinuance of any community correction program;

(G) To make recommendations to community corrections programs receiving state financial aid concerning compliance with the standards adopted by the State Department of Corrections for the programs;

(H) To recommend to the Board of Commissioners the approval or disapproval of contracts with units of local government or non-governmental agencies who desire to participate in the community corrections plan. Before recommending approval of a contract, the Advisory Board must determine that a program is capable of meeting the standards adopted by the State Department of Corrections for programs receiving state financial aid; and

(I) To maintain an office if approved and designated by the Board of Commissioners.

(Ord. 89-32, passed 10-16-1989)

§ 11-4-1-5 DEFINING THE PROGRAM.

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

COMMUNITY CORRECTION PROGRAM.

(1) A community based or community oriented program that provides for any of the following:

(a) The prevention of crime or delinquency;

(b) Services to persons charged with or diverted from charge for a crime or act of delinquency who are not tried and who voluntarily participate;

(c) Services to persons on probation;

(d) Services to person sentenced to imprisonment in the County jail (other than a state-owned or operated facility); and/or

(e) Services to committee offenders, with the approval of the State Department of Corrections.

COMMUNITY CORRECTIONS PROGRAMS may coordinate educational, mental health, drug or alcohol abuse, and/or counseling.

(Ord. 89-32, passed 10-16-1989)

TITLE 12: HUMAN SERVICES

[RESERVED]

TITLE 13: ENVIRONMENT

Article

1. **WEEDS AND VEGETATION**

2. **GARBAGE; RUBBISH; DUMPING**

ARTICLE 1: WEEDS AND VEGETATION

Section

Chapter 1: Owners; Responsibility
13-1-1-1 Jurisdiction
13-1-1-2 Definitions
13-1-1-3 Administration
13-1-1-4 Violations
13-1-1-5 Appeals
13-1-1-6 Repealer
13-1-1-7 Severability
13-1-1-8 Effective Date

Chapter 2: Authority of Township Trustees
13-1-2-1 General provisions

CHAPTER 1: OWNERS; RESPONSIBILITY

§ 13-1-1-1 JURISDICTION.

This Chapter shall apply to all unincorporated privately-owned real estate within the Johnson County, Indiana not zoned Agricultural or Agricultural Conservation Overlay or located in a designated flood plain or flood way.

This Chapter shall also apply to the unincorporated areas of Johnson County that are designated as minor plats and parcels zoned Rural Residential. Within those plats and parcels, only the area within two hundred (200) feet surrounding any residential structure on such plat or parcel must comply with this Chapter.
(Ord. 94-15, passed 10-31-1994; superseded by Ord. 10-01, passed 4-26-10; amended and superseded by Ord. 2020-O-05, passed 7-13-2020)

§ 13-1-1-2 DEFINITIONS.

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

> ***HEALTH CONCERNS.*** The concerns that arise from plants of high pollen content, toxic or poisonous plants, or plants that are conducive to harboring rodents and insects.
>
> ***OWNER, PROPERTY OWNER,*** and ***REAL PROPERTY OWNER.*** These terms shall mean the person or entity identified by the tax records held by the Johnson County Auditor as being the owner of the subject property.

SAFETY CONCERNS. The concerns arising from vegetation that causes a safety risk when it obstructs the line of sight for traffic or masks natural or human-made objects in the landscape, such as ditches, sinkholes, rocks, etc.

WEEDS and ***RANK VEGETATION.*** Plants consisting of broadleaf and grassy weeds, trees, shrubs, brush, or other invasive or unsightly vegetation which could constitute a health or safety concern to people or animals or decrease the value of land. As used in this chapter, "weeds" and "rank vegetation" shall not include agricultural crops, such as hay and pasture. Further, such terms shall not include noxious or detrimental plants relevant to Indiana Code 15-16-8.

(Ord. 94-15, passed 10-31-1994; superseded by Ord. 10-01, passed 4-26-10)

§ 13-1-1-3 ADMINISTRATION.

Complaints received prior to the effective date of this Ordinance shall be administered under this Ordinance pursuant to the procedures contained herein by the Johnson County Highway Department. Complaints received subsequent to the effective date of this Ordinance shall be administered by the Johnson County Department of Planning & Zoning. The term "Department" shall refer to the department then responsible for the administration of this Ordinance.

(Ord. 94-15, passed 10-31-1994; amended and superseded by Ord. 2020-O-05, passed 7-13-2020)

§ 13-1-1-4 VIOLATIONS.

(A) Real property owners shall cut and remove weeds and rank vegetation from their real property. It shall be a violation of this Chapter for owners to allow weeds and/or rank vegetation to reach the height of twenty-four (24) inches.

(B) Upon receiving a complaint for a violation of this Chapter, the Department shall perform an investigation to determine the complaint's validity. The investigation shall include a site visit. Based on the site visit and investigation, the Department is authorized to determine if the property is in violation of this Ordinance. The Department Director has the discretion to declare a property within substantial compliance with this Ordinance if nominal violations exist.

(C) Upon determination by the Department that a violation of this Chapter exists, the Department shall issue a written notice requiring the owner to cut or remove any weeds or rank vegetation within ten (10) calendar days from the date of mailing. Such notice shall be mailed by certified mail, first class mail, or equivalent service, addressed to the owner of record for real property with a single owner, or at least one (1) of the owners of real property with multiple owners, at the last address of the owner(s) as determined by the records of the Johnson County Auditor on the date of the notice. Such notice shall inform the owner of the penalty for failure to remove such weeds or rank vegetation.

(D) If the owner fails to rectify the violation by the date required in the written notice, the Department or its subcontractor may enter the real property to abate the violation of this Chapter at a reasonable time. The Department Director is authorized to provide the owner(s) a reasonable extension to the required abatement period if unusual circumstances exist that would delay the abatement, provided the owner(s) contacts the Department to discuss these circumstances prior to the date required in the written notice.

(E) If the owner rectifies the violation after the date required by the written notice but fails to notify the Department of said abatement, and if costs are incurred by the County or its subcontractors for attempted abatement of the violation, such costs shall be considered reimbursable by the owner and shall be included in the invoice and certifications under sections (F) and (G), respectively.

(F) The Department shall compile and mail to the property owner a detailed invoice of expenses incurred by the Department and any other County Office or department in removing weeds or rank vegetation, including administrative costs.

(G) If the property owner fails to pay the invoice issued under Section F above within ten (10) calendar days of mailing, the Department shall certify to the Johnson County Auditor the amount of the invoice. The Auditor shall place the total amount certified onto the tax duplicate for the property affected. The total amount, including any accrued interest, shall be collected as delinquent taxes are collected. Interest shall accrue at the statutory rate imposed on real estate taxes.

(H) The Johnson County Treasurer shall collect the from the property owner fees described in subsections F and G above from the property owner. The amounts collected shall be disbursed into the General Fund of the Department that incurred the expenses. In the event that multiple departments or offices incurred expenses in the abatement of an ordinance violation, the certification provided to the Johnson County Auditor shall include an itemization of each office or department's incurred expenses for deposit into the proper Funds once payment for the fees is received.

(I) If an initial notice of violation was provided in accordance with this Section, the Department may post a continuous abatement notice at the property at the time of abatement instead of by sending notice of violation for each separate occurrence. A continuous abatement notice shall serve as notice to the property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the municipality or its contractors.

(Ord. 94-15, passed 10-31-1994; Ord. 2010-01, passed 4-26-2010; amended and superseded by Ord. 2020-O-05, passed 7-13-2020)

§ 13-1-1-5 APPEALS.

Any appeal of the removal notice or invoice for costs must be made within ten (10)

calendar days of the date of the removal notice or invoice, whichever is applicable. Any appeal must be in writing and shall be made to the Johnson County Board of Commissioners, 86 West Court Street, Franklin, Indiana 46131.

The Board of Commissioners shall set the matter for hearing at a special or a regularly scheduled public meeting after receipt of the written appeal within the required appeal period. If a special meeting is held to discuss the appeal, this meeting will be scheduled to occur within fifteen (15) days of the receipt of the appeal. After such hearing, the Board of Commissioners shall issue its written findings.

Any appeal from the Board of Commissioners' written findings must be made to a Johnson County court with civil or small claims jurisdiction within ten (10) calendar days after the Board of Commissioners issues its written findings.
(Ord. 94-15, passed 10-31-1994; superseded by Ord. 10-01, passed 4-26-10; amended and superseded by Ord. 2020-O-05, passed 7-13-2020)

§ 13-1-1-6 REPEALER.

All prior ordinances, or portions thereof, in conflict with provisions of this chapter are, to the extent of such conflict, hereby repealed.
(Ord. 10-01, passed 4-26-10)

§ 13-1-1-7 SEVERABILITY.

If any section, provision, or part of this chapter is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole or any portion thereof not adjudged invalid or unconstitutional.
(Ord. 10-01, passed 4-26-10)

§ 13-1-1-8 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its passage, approval, and publication according to law.
(Ord. 10-01, passed 4-26-10)

CHAPTER 2: AUTHORITY OF TOWNSHIP TRUSTEES

§ 13-1-2-1 GENERAL PROVISIONS.

(A) The County Board of Commissioners authorizes the Township Trustees to control all weeds, grasses, detrimental plants, noxious weeds, rank vegetation, and vegetation over 24 inches in the Trustees' respective townships at each Trustee's individual discretion.

(B) Each individual Township Trustee has the discretion to determine if and how that Trustee will enforce the weed control authority and what procedures each Trustee will utilize.

(C) The notice provisions to landowners, the enforcement provisions, and the collection of costs and expenses shall be as stated in I.C. 15-16-8 and County Ords. 94-15, 86-11 and 84-8.

(Ord. 2008-22, passed 9-15-2008)

ARTICLE 2: GARBAGE; RUBBISH; DUMPING

Section

Chapter 1: Solid Waste Management District

13-2-1-1 Establishment
13-2-1-2 Organization
13-2-1-3 Effective date

Chapter 2: Illegal Dumping

13-2-2-1 Title
13-2-2-2 Purpose
13-2-2-3 Definitions
13-2-2-4 Prohibited acts
13-2-2-5 Property owner; rights and responsibilities
13-2-2-6 Enforcement and abatement
13-2-2-7 Hearings
13-2-2-8 Penalties and sanctions
13-2-2-9 Application; effective date

CHAPTER 1: SOLID WASTE MANAGEMENT DISTRICT

§ 13-2-1-1 ESTABLISHMENT.

Pursuant to I.C. 13-21-3, there is hereby established the Johnson County Solid Waste Management District ("JCSWMD"). The JCSWMD shall consist of the entire area located within the legal boundaries of the County which includes all incorporated and unincorporated areas.
(Ord. 91-12, passed 6-3-1991)

§ 13-2-1-2 ORGANIZATION.

(A) The JCSWMD shall be managed by a Board of Directors consisting of the following members:
  (1) Three members appointed by the County Board of Commissioners from its membership;
  (2) One member appointed by the County Council from its membership;
  (3) The Mayor of the City of Greenwood, Indiana;
  (4) One member appointed by the Common Council for the City of Greenwood, from its membership; and
  (5) One member appointed by the County Board of Commissioners, who is either an executive of a city that is not the municipality with the largest population in the County or a member of a fiscal body of a town that is not the municipality having the largest population.

(B) The terms of Board members shall be coextensive with the member's term of office on the executive, legislative, or fiscal body from which he or she was appointed.

(C) All Board members shall serve at the pleasure of the appointing authority. Upon the formation of the Board, it shall meet and elect a Chairperson and Vice-Chairperson from the Board's membership and a Fiscal Officer who is the Fiscal Officer of the County or a municipality located within the County.

(Ord. 91-12, passed 6-3-1991)

§ 13-2-1-3 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after July 1, 1991.
(Ord. 91-12, passed 6-3-1991)

CHAPTER 2: ILLEGAL DUMPING

§ 13-2-2-1 TITLE.

This chapter shall be titled "Illegal Dumping Ordinance" and may be cited as such.
(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-2 PURPOSE.

The purpose of this chapter is to prohibit illegal dumping of solid waste materials in the County, to establish penalties for violation therefor, and to provide for the method of clean-up of open dumps. Improper disposal at recycling stations shall also be prohibited.
(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-3 DEFINITIONS.

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

CONSTRUCTION/DEMOLITION DEBRIS. Any discarded construction or demolition materials including, but not limited to, untreated lumber, paneling, drywall, roofing, shingles, siding, plumbing and electrical components, doors, windows, floor coverings, and cabinets.

CONTAMINATE. The same definition as that of 329 I.A.C. 2-2-1(a)(2).

DIRECTOR. The Director of the County Solid Waste District and shall include his or her authorized agent.

DISCARDING. To abandon, deposit, desert, discharge, dispose, drop, dump, eliminate, emit, jettison, leave, pitch, place, put, scrap, spill, throw, or toss any item, any solid waste, or derivative thereof, or any inherently waste-like material in a manner such that the discarded substance remains upon the land as solid waste.

DUMPING.

(1) The discarding or long-term storage of any items of solid waste commonly known as garbage, rubbish, construction refuse and demolition debris, household trash, appliances, diapers, food service wastes, tires, scrap metal, vehicle parts, implement parts, fence wire, and all other items and materials defined as "solid waste" below and in I.C. 13-11-2-205; and

(2) The discarding of any vehicles which do not have value beyond scrap value and which are inoperable and unlicensed or which are considered abandoned due to the surrounding conditions, except those which are used to supply parts for operable business vehicles, equipment, or fencing materials currently used by the property owner.

GARBAGE. All putrescible animal solid, vegetable solid, and semisolid wastes from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

GENERATION. The act or process of producing solid waste.

GENERATOR. The person whose actions or processes result in the production of solid waste.

INERT SOLID WASTE. Earth, rocks, concrete, bricks, tiles, or aged asphalt, natural wood, brush, leaves, wood chips, or sawdust, any and all of which is free of contaminants.

JOHNSON COUNTY SOLID WASTE DISTRICT. The legally constituted solid waste district pursuant to I.C. 13-21-3.

LONG-TERM STORAGE. The maintenance or containment of solid waste for a period of 30 days or more.

OPEN DUMP. The consolidation of solid waste from one or more sources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that exists without daily cover and without regard to the possibilities of contamination of surface or subsurface water resources, air, land, or other hazard or threat of hazard to the environment.

PERSON. Any individual, partnership, corporation, firm, company, organization, joint stock company, municipal corporation, city, school district or corporation, county, town, association, trust, estate, government unit, or other legal entity.

SCAVENGING. The uncontrolled and unauthorized removal of materials from solid waste at any point in the waste management system.

SOLID WASTE. Any yard waste, garbage, refuse, rubbish, sludge, or other discarded or disposed materials, including solid, liquid, or semi-solid, or contained gaseous material resulting from any operation, activity, or source.

STORAGE. Proper temporary containment of waste materials for a period of no more than 15 days or the standard interval of local commercial collection service, whichever is less.

WASTE STORAGE CONTAINER. A proper and suitable receptacle used for the temporary storage of solid waste while awaiting collection. Containers shall be designed to prevent escape or leakage of contents and should be resistant to scavenging animals.

(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-4 PROHIBITED ACTS.

(A) *Recycling facilities*.

(1) No person shall discard any materials other than recyclables in any facility or container intended for collecting designated recyclable materials.

(2) No person shall conduct scavenging at any facility or container intended for collecting materials with value as a designated recyclable material.

(B) *Dumping*.

(1) No person shall discard any solid waste along any roadway within the County, unless it be in a proper solid waste storage container and is intended for collection and removal to a facility approved for handling those materials.

(2) No person shall discard, for final disposal or for use as fill material, any inert solid waste without express consent of the property owner of the final disposal site, including County road rights-or-way.

(3) No person shall discard, for final disposal or for use as fill material, any inert solid waste which is mixed or adulterated with any contaminants.

(4) No person shall do any dumping or permit any dumping to take place at any location in the County unless the location is an approved and properly permitted solid waste disposal facility.

(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-5 PROPERTY OWNER; RIGHTS AND RESPONSIBILITIES.

(A) It is the responsibility of all persons owning real property in the County to sustain diligent and good faith efforts to protect the natural environment and prevent illegal dumping on their property. Persons owning real property in the County shall not cause or allow the disposal upon their property of any solid waste materials.

(B) Except as otherwise provided in this chapter, no enforcement action may be taken under this chapter against a landowner on whose land waste has been improperly disposed without the landowner's consent, unless there has been made a diligent and good faith effort to identify, locate, and take enforcement action against a person or persons who appear likely to have committed or caused the improper disposal act(s).

(C) Any landowner who in good faith provides information concerning a name, an address, or any other evidence of a responsible person's identity found in wastes improperly disposed on the landowner's property is not liable to the person for an action taken by enforcement authorities under this chapter against the person as a result of information provided by the landowner.

(D) The owner of property on which improper disposal acts have occurred may be included as a party of any enforcement action against a person who allegedly committed the violation so that the landowner may be ordered to allow the violator access to the land to remove and properly dispose of the wastes allegedly disposed in violation of this chapter.

(E) A landowner on whose land waste has been disposed in violation of this chapter without the landowner's consent may, in addition to any other legal or equitable remedy available to the landowner, recover from the person responsible for the improper disposal reasonable expenses incurred by the landowner in removal.

(F) A landowner who consents to or allows disposal of wastes generated by others upon his or her property, without making a diligent and good faith effort to prevent the improper disposal of wastes, and who fails to notify proper authorities of the improper acts of disposal within a reasonable period of time shall be subject to enforcement procedures, and shall be deemed the responsible party and shall be served notice for clean-up of all wastes deposited upon his or her property and removal for final disposal at any approved sanitary landfill, at the landowner's expense.

(G) If a diligent and good faith effort by the County representative designated herein to identify, locate, and take enforcement action against a person or persons who committed prohibited acts of waste disposal has been made by County authorities, and has failed to identify violators of acts prohibited herein, the owner of real estate upon which an open dump is located shall be held responsible for correcting and controlling any nuisance conditions which may occur as a result of the open dump.

(H) Materials which provide identifying information regarding the generator shall constitute a rebuttable presumption that the generator has deposited solid waste without the express consent of the landowner and in violation of this chapter. The presumption can be rebutted by proof that:

(1) The person obtained the express consent of the landowner; and/or

(2) The person properly placed the solid waste in waste storage container for pick-up by a licensed waste hauler.

(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-6 ENFORCEMENT AND ABATEMENT.

(A) It shall be the duty of the Director to enforce this chapter. The Director is authorized to perform inspections in the furtherance of fulfilling his or her duty to enforce this chapter. Any person violating any provision of this chapter shall be subject to fines or other injunctive action as specified in this chapter.

(B) Violators of this chapter shall be served a written initial notice of violation either in person or by any other manner reasonably calculated to result in actual notice, including certified mail. The order shall state the violation complained of, order the abatement of the violation, indicate a method of abatement which if satisfactorily completed will adequately abate the offending violation, and provide a reasonable time for abatement.

(C) Abatement of a violation must be accomplished in an environmentally safe and lawful manner pre-approved by the Director by disposal of solid waste in an approved and properly permitted landfill.

(D) If the violation is not satisfactorily abated within the specified time allowed, a second notice shall be served, in the same manner as specified for initial notices and containing the same information specified for initial notices. If the conditions prevail following the specified period of time,

the matter shall be referred to the attorney for the County Solid Waste District for appropriate legal action.

(E) If the Director identifies an emergency condition presented by the violation which condition presents an imminent health and safety hazard to the citizens of the County, the Director may, without notice or hearing, issue a notice reciting the existence of the emergency and requiring immediate abatement by the responsible person.

(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-7 HEARINGS.

Any person receiving any notice of violation as described herein may demand and shall be granted a hearing on the matter before the County Solid Waste District. Conduct of the hearing shall be prescribed by regulations promulgated by the County Solid Waste District. The County Solid Waste District shall hear testimony and take evidence on the matter, following which the Board shall sustain, modify, or revoke the notice of violation issued by the Director.
(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-8 PENALTIES AND SANCTIONS.

(A) The doing of any prohibited act, or the omission of any required act, governed by this chapter is declared to be a violation of this chapter. Any person found to have violated this chapter by a court of competent jurisdiction shall be fined in an amount up to $2,500. Each day of violation shall constitute a separate violation.

(B) In addition to fines assessed, the Director may request the court to assess court, clean-up, and/or administrative costs, and reasonable attorney fees expended by County Solid Waste District in taking enforcement action.

(C) The Director shall also be entitled to seek injunctive or other relief through any appropriate County court to obtain an order to abate the open dump condition and prohibiting further and future dumping.

(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-9 APPLICATION; EFFECTIVE DATE.

This chapter shall apply to the entirety of the County. All portions of former ordinances in conflict herewith are hereby repealed or superseded. This chapter shall be in full force and effect immediately upon and after its adoption and publication as required by law.
(Ord. 95-20, passed 7-3-1995)

TITLE 14: NATURAL RESOURCES

[RESERVED]

TITLE 15: AGRICULTURE AND ANIMALS

Article
1. **ANIMAL MANAGEMENT**
2. **COMMUNITY CAT POPULATION CONTROL**
3. **ANIMAL CONTROL**

ARTICLE 1: ANIMAL MANAGEMENT

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CHAPTER 1: GENERAL PROVISIONS

§ 15-1-1-1 DEFINITIONS

For the purpose of this chapter, the following definitions apply:

(a) **ANIMAL.** Any living, nonhuman vertebrate.

(b) **ANIMAL CONTROL DIRECTOR (JCAC Director).** The person employed by the Johnson County Board of Commissioners as the enforcement officer of the Johnson County Animal Control Department. The JCAC Director or Deputy Director shall be a sworn humane officer with one or more police departments within Johnson County.

(c) **AT LARGE.** An animal is not within or on the owner's property or under restraint of an owner or harborer. Community cats cannot be found at large.

(d) **DETENTION.** The act of taking physical possession and control of a dangerous or potentially dangerous animal by the JCAC Director, Deputy Director, or Personnel and transporting it to the Johnson County Animal Shelter or other appropriate place.

(e) **DIRECT CONTROL.** An animal is under direct control when it is on a leash or within the property limits of its owner or harborer.

(f) **DOMESTIC ANIMAL.** Domestic animal means dogs, cats, and ferrets. This term does not include livestock or poultry.

(g) **EXPOSED TO RABIES.** An animal has been exposed to rabies when:

1. It has been bitten by or exposed to an animal known to have rabies; or

2. Is suspected of having been bitten by or exposed to an animal known to have rabies.

(h) **HARBORER.** Any person, group of persons, or corporation who harbors, keeps, feeds, maintains, has lawful possession of, or has an animal in his or her care or who permits an animal to remain on or about his premises.

(i) **IMPOUNDMENT.** The act of taking physical possession and control of an at large animal by the JCAC Director, Deputy Director, or Personnel and transporting it to the Johnson County Animal Shelter or other appropriate place.

(j) **JOHNSON COUNTY ANIMAL CONTROL DEPARTMENT (JCAC).** The Department which enforces the provisions of this Title, consisting of the JCAC Director, Deputy Director, and Personnel.

(k) **JOHNSON COUNTY ANIMAL SHELTER (JCAS).** Any premises designated by action of the Johnson County Board of Commissioners for the purpose of impounding and caring for animals.

(l) **OWNER.** Any person, group of persons, or corporation who owns, harbors, keeps, feeds, maintains, has lawful possession of, or knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in his care or who permits an animal to remain on or about his premises. This shall not include community cat colony caretakers of registered colonies of community cats.

(m) **PERSONNEL.** The persons employed by the Johnson County Board of Commissioners in order to carry out the provisions of this Title.

(n) **SECURE ENCLOSURE.** A four-walled enclosure; does not include a chain-linked, barbed, or "invisible" fence.

(o) **SPAY/NEUTER.** Operation done to a female/male animal in order to prevent conception of offspring.

(p) **TETHER**. Restraint of an animal where the animal is tied to a fixed point.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-02, passed 4-11-2016; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-1-1-2 APPLICATION

Pursuant to Indiana Code § 36-8-2-6, the Board of Commissioners finds that the terms and conditions of this title are in the best interests of all citizens of Johnson County. Therefore, this chapter shall be in full force and effect in both the incorporated and unincorporated part of the county unless or until a municipality within the county passes an ordinance prohibiting enforcement of this chapter within the boundaries of the municipality.

(Ord. 2014-7, passed 1-12-2015, amended by Ord. 2023-O-11. Passed 6-12-2023.)

CHAPTER 2: DUTIES AND RESPONSIBILITIES OF ANIMAL OWNERS AND HARBORERS

§ 15-1-2-1 ANIMAL CARE

(A) Every owner or harborer of an animal shall see that the animal is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement. The animal's owner or harborer shall regularly, and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas.

(B) Every owner or harborer of an animal shall see that the animal has: food that is appropriate for the species in adequate amounts to maintain good health; fresh potable drinking water; and well-ventilated shelter, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely.

(C) Every owner or harborer of an animal shall see that the animal is protected against abuse, cruelty, neglect, torment, or any other mistreatment.

(D) Every owner or harborer of an animal shall see that the animal receives reasonably necessary medical care. In addition to the required rabies vaccination, such care may include recommended vaccinations as required by accepted veterinary standards. If the animal is diseased, injured, or exhibiting symptoms of disease or illness, its owner or harborer shall see that it receives proper care and is segregated from other animals so as to prevent transmission of the disease.

(E) Every owner or harborer of an animal shall see that the animal is maintained in compliance with all applicable federal, state, and local laws and all regulations respecting animal care and control as are adopted by Johnson County and in effect from time to time.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-2-2 RESTRAINT OF ANIMALS

(A) Restraint is controlling an animal:

1. By the use of a leash;
2. Placing the animal on or within a vehicle being driven or parked on a public street pursuant to 15-1-5-2 of this Article; and/or
3. Placing the animal within the property limits of its owner or harborer.

(B) The owner or harborer of any animal shall keep the animal under restraint at all times except for:

a. A domestic animal that is engaged in lawful hunting accompanied by its owner or harborer; or
b. Waterfowl.

(C) No domestic animal shall be tethered by use of a choke or pinch collar, or any collar too small for the size and age of the animal, or by any rope, chain, or cord directly attached to the animal's neck, or by a leash less than 12 feet in length, or by any tether or leash without swivels on both ends, or of an unreasonable weight as to prevent the animal from moving about freely. Any person violating the provisions of this Section shall be punished by a fine of not less than Twenty Five Dollars ($25.00) or more than Two Hundred and Fifty Dollars ($250.00).

(D) Except as provided in subsection (e) of this section, the first violation shall be subject to an admission of violation and payment of the designated civil penalty in the amount of One Hundred Dollars ($100.00), per animal. All subsequent violations in a twelve-month period are subject to a fine of not less than Two Hundred and Fifty Dollars ($250.00) per violation, per animal.

(E) If, while the animal is at large in violation of this section at a location other than its owner’s or keeper’s property or in the public right-of-way, it:

1. Attacks another animal; or

2. Chases or approaches a person in a menacing fashion or apparent attitude of attack;

Then the fine imposed shall not be less than Five Hundred Dollars ($500.00) if no injury occurs and up to One Thousand Dollars ($1,000.00) if another animal or person is injured as a result of the animal’s actions. If the violation results in serious injury to any person, animal, or property, the court upon request may order the animal forfeited.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-1-2-3 HARBORING A DOMESTIC ANIMAL WITHOUT IDENTIFICATION

(A) It is a violation for any person to own or harbor any domestic animal over the age of six months that does not, at all times, have appropriate identification in the form of either:

1. A tag with the animal’s owner’s name, current phone number, and current address; or

2. A microchip or tattoo.

(B) It is a violation for a person, except the owner or harborer, to remove any identifying tag from an animal.

(C) Any person violating the provisions of this Section shall be punished by a fine of not less than Twenty Five Dollars ($25.00) or more than Seventy Five Dollars ($75.00). This fine shall be waived if the owner has the animal microchipped.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-1-2-4 REPORT OF BITE CASES

(A) Every case of a human bitten by a domestic or wild animal shall be reported promptly to the local health officer or his designee having jurisdiction. It is the duty of the person bitten or the person's parent or guardian to make the report in conformance with title 410 IAC 1-2.3-52, as amended. Law enforcement K-9 dogs are exempted from this section. Any person violating the provisions of this section shall be punished by a fine of not less than Twenty Five Dollars ($25.00) or more than Seventy Five Dollars ($75.00)

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

CHAPTER 3: RABIES CONTROL

§ 15-1-3-1 RABIES REPORTING

i. Any animal that bites a person or is suspected of having been exposed to rabies shall promptly be reported by its owner or harborer to the JCAC and the Johnson County Health Department.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-3-2 SURRENDER AND QUARANTINE OF DOMESTIC ANIMALS

(A) The owner of any domestic animal that has bitten a human and is suspected of having been exposed to rabies shall surrender the animal to JCAC personnel upon demand by JCAC.

(B) The JCAC Director shall ensure that any domestic animal that bites a human is securely quarantined for 10 (ten) days from the date of the bite at either:

1. The owner’s premises;
2. At the Johnson County Animal Shelter at owner’s expense; or
3. At the owner's option and expense, in a veterinary hospital of his or her choice.

The quarantine location shall be left to the JCAC Director’s discretion.

(C) The animal’s owner or harborer may reclaim the animal if it is declared to be free of rabies upon the expiration of the quarantine period and payment of appropriate impoundment and/or treatment fees.

(D) The JCAC Director shall order the humane euthanization of any animal found to be

infected with rabies.

(E) Stray animals, or those whose ownership is not known, shall be humanely euthanized immediately after the quarantine period if involved in a human exposure situation and there is suspicion of rabies.

(F) Any person violating the provisions of this section shall be punished by a fine of not less than Twenty-Five dollars ($25.00) and no more than Two-Hundred and Fifty dollars ($250.00).

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-02, passed 4-11-2016; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-1-3-3 WILD ANIMALS

(A) Any wild animal that has bitten a human or domestic animal, or is suspected of being rabid, shall be humanely euthanized immediately and the head submitted to the State Board of Health for pathological examination.

(B) The carcass of any animal exposed to rabies shall, upon demand, be surrendered to the JCAC.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-3-4 REPORTING RESPONSIBILITIES OF VETERINARIANS AND JCAC

(A) It shall be the duty of every licensed veterinarian to report to the JCAC and Johnson County Board of Health his or her diagnosis of any animal observed by him or her which is suspected of having been exposed to rabies.

(B) If any animal, domestic or otherwise, is diagnosed with rabies, the JCAC shall inform the Johnson County Health Officer of reported human contact and the confirmed diagnosis.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-3-5 POSITIVE RABIES DIAGNOSES

(A) If an animal under quarantine has been diagnosed as being rabid or suspected by a licensed veterinarian of being rabid and dies while under observation, the JCAC shall immediately send or take the head of the animal packed in an iced container to the State Board of Health for pathological examination.

(B) Upon notice of any positive diagnosis of rabies, the JCAC shall recommend to the Johnson County Health Officer and State Veterinarian a County-wide quarantine for a period of 30 days. Upon the invocation of the quarantine by the State Veterinarian, no animal shall be permitted to be at large. All domestic animals must be under the direct control of a responsible person at all times during the quarantine periods.

a. During the period of rabies quarantine as herein provided, every animal bitten by an animal known to be rabid shall be:
    i. Humanely euthanized;
    ii. Treated for rabies infection by a licensed veterinarian; or
    iii. Held under a minimum 30-day quarantine by the owner or a licensed veterinarian.

(Ord. 2014-7, passed 1-12-2015.)

CHAPTER 4: DANGEROUS ANIMAL DETERMINATIONS

§ 15-1-4-1 PURPOSE

(a) This Chapter is intended to regulate and provide for:
1. Dangerous animal determination;
2. Registration for dangerous animals and wild animals; and
3. Crime prevention dog requirements.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-2 DEFINITIONS

(a) Dangerous Animal.
1. Any dog that has either:
i. Developed behavioral patterns that can result in physical harm or death to humans;
ii. Been involved in more than one unprovoked reported bite incident in the County in the preceding three months;
iii. Caused serious injury to a person without having been provoked by that person; or
iv. Chased or approached a person in a menacing fashion or apparent attitude to attack at a place other than the property of its owner or harborer;

may be declared dangerous by the JCAC Director.

(B) Potentially Dangerous. A propensity or tendency of an animal to do any act that might endanger the safety of person or property in a given situation. It is the act of the animal and not the animal's state of mind that determines a dangerous propensity.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-3 EXCEPTIONS

An animal shall not be declared a dangerous animal if:

(A) At the time of the incident, the dog was used by a law enforcement official for legitimate law enforcement purposes;
(B) The threat, injury or damage was sustained by a person or other dog who was:
    1. Trespassing upon premises occupied by the owner or the dog;
    2. Provoking, tormenting, abusing or assaulting the animal or had repeatedly, in the past, provoked, tormented, abused or assaulted the animal; or
    3. Committing or attempting to commit a crime; or
(C) The animal was:
    1. Responding to pain or injury;
    2. Protecting itself or its offspring; or
    3. Protecting or defending a human being or domestic animal from attack or assault.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-4 DANGEROUS ANIMAL DETERMINATION PROCEDURES

The following procedure shall apply to dangerous animal determinations by the JCAC:

(a) Upon probable cause and after a reasonable investigation, the JCAC Director is authorized to make a determination that an animal is dangerous or potentially dangerous based on the definitions in this Chapter. After determining that an animal is dangerous or potentially dangerous, the Director shall notify the owner of the animal of that status in writing.
(b) If the Director receives substantially new information before seven days have passed since the determination made under (A), the Director may elect to convene an informal, public, and non-judicial hearing to reconsider such a determination. The Director shall make public the outcome of the hearing within five days of the hearing.
(c) The Director shall provide reasonable notice of the hearing to the owner of the animal at least (5) days before the hearing. The informal hearing shall take place no less than five (5) and not more than twelve (12) business days after the initial determination.
(d) The Director is not required to convene a hearing.
(e) The owner may, within five days after a determination that an animal is dangerous, bring a petition in Johnson County seeking judicial review of the determination. A decision by the court overturning the Director's determination shall result in the return of the animal to the owner. However, the court may still require registration of the animal under this Chapter.
(f) Judicial review of the Director's determination is limited to the record established during the informal hearing. The court cannot try the cause de novo or substitute

its judgment for that of the Director's. The Director's decision can only be overturned if a court finds that the determination was made on arbitrary or capricious grounds.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-5 DETENTION OF A DANGEROUS ANIMAL

(a) If the Director has provided reasonable notice to the owner that an animal is dangerous or potentially dangerous and has probable cause to believe that an animal may pose a threat to public safety, he may obtain a search warrant pursuant to the laws of this jurisdiction and detain the animal.

(b) The owner of the animal shall be liable for the cost and expenses of keeping the animal at the JCAS. The owner shall pay on the first day of detention of the animal Two Hundred and Twenty Five Dollars ($225.00) for fifteen (15) days of detention as the animal is held pending hearings and appeals.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-1-4-6 REGISTRATION FOR WILD ANIMALS AND DANGEROUS ANIMALS

(A) It shall be a violation for a person to own a wild animal or dangerous dog in Johnson County without first having registered the animal with Johnson County Animal Control under this Section; however, this Section shall not apply to zoological parks or bona fide circuses or carnivals. There is no fee for the registration of an animal under this Section.

(B) Registration required by this Chapter shall be made on forms provided by the Johnson County Animal Control Department, and shall include the following:

1. The owner's name, address, and telephone number where the owner can be reached in the event of an emergency;
2. The address and type of premises where the animal is kept;
3. A detailed description of each animal registered; and
4. Any other information deemed necessary and appropriate by the JCAC Director, including whether or not the animal has been spayed or neutered.

(C) During the term of the registration, the owner of an animal registered under this Section shall notify the Johnson County Animal Control Department in writing of any change in circumstances which would render the information contained in the registration incomplete or inaccurate.

(D) The term of the registration shall expire on December 31st of the year in which the registration is made, and shall be renewable upon re-application.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-1-4-7 LIMITATION ON OWNERSHIP

(A) It shall be a violation for any person, firm, corporation, organization, or department to own, possess, or maintain more than two dangerous dogs at any time within unincorporated Johnson County. This subsection shall not apply to duly licensed veterinarians and operators of commercial kennels whose possession is either to board temporarily or provide treatment.

(B) It shall be a violation for any person, firm, corporation, organization, or department to own, possess, or maintain any dangerous dog within unincorporated Johnson County unless the dangerous dog has been spayed or neutered by a licensed veterinarian and has been implanted with a microchip with a registered identification number at the owner's expense.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-8 DANGEROUS ANIMAL MUZZLE AND CONFINEMENT REQIREMENTS

(a) The owner or harborer of a dangerous animal may not cause, suffer, or allow the dangerous animal to go unconfined, unrestrained, and without a muzzle, when outside the owner's property. The owner also may not allow it to run at large on any public street or byway, right-of-way, or any municipally-owned or public land or public building, at any time, or upon any private property without the permission of the owner of the private property. The following confinement requirements must be met:

1. When confined to a yard, the yard must be fenced such that the animal may not escape by slipping under or over the fence or through an open gate. The fence must be constructed in such a manner that prevents the animal from biting or otherwise wounding a person who may brush against or stick a body part in, over, under, or through the fence.
2. When confined to a home, the animal's confinement must be such as will prevent the animal from harassing neighbors or passers-by.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-9 PENALTIES

(A) A violation of this Chapter, unless otherwise stated, shall be punishable by a fine not less than Two Hundred and Fifty Dollars ($250.00) for a first violation; not less than One Thousand Dollars ($1,000.00) for a second violation; and upon a third violation, the dog shall be seized. If the violation results in the dog causing serious injury to any person, the court shall, upon request of the JCAC Director, order the dog forfeited and/or humanely euthanized.

(B) The JCAC Director or Deputy Director may order the immediate impoundment and possible humane euthanization of a dog previously determined to be a

dangerous dog if the owner fails to abide by the conditions for registration and confinement in this Chapter.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

CHAPTER 5: SPECIFIC VIOLATIONS

§ 15-1-5-1 ANIMALS IN PARKED VEHICLES

(A) It shall be a violation for a person to confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold.

(B) Upon discovery of an animal in a parked car that is in a life or health threatening situation, an animal control officer, law enforcement officer, or humane officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle only after making a reasonable effort to locate the vehicle owner or other person responsible. The officer who removes an animal must leave written notice bearing his/her name and office and the address of the location where the animal can be claimed.

(C) Any person violating the provisions of this Section shall be punished by a fine of not less than One Hundred Dollars ($100.00) or more than Two Hundred and Fifty Dollars ($250.00)

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-1-5-2 TRANSPORTING DOGS IN PICK-UP TRUCKS

(A) The following definitions shall apply to this section:

1. Pick-up truck. A motor vehicle with an enclosed forward passenger compartment and an open rearward compartment used for the transportation of property.
2. Public way includes highway, street, avenue, boulevard, road, lane, or alley. For the purposes of this ordinance, off-street parking is also included. Does not include farmland.
3. Tether. A rope, chain, or cable of appropriate strength that is firmly anchored to the bed of an open bed pickup truck or similar vehicle in at least two places. Tether is to be used to restrain the animal and fastened to the animal by means of a harness and to be the appropriate length as to afford the animal freedom to move about the vehicle, but to restrict the animal to a set radius to prevent it from reaching either side or the rear of the vehicle so that the animal cannot be thrown from, fall from, or jump from the vehicle.

4. Secured container. A portable kennel, crate, or dog box that is appropriately fastened to the bed or the chassis of the vehicle.

(B) No person shall operate a pickup truck with a dog in the back of the vehicle on a public way, unless:

1. the back of the vehicle is enclosed;
2. the sides and back of the pickup truck's bed are at least five feet high;
3. the dog is humanely cross-tethered to the vehicle by means other than neck restraints;
4. the dog is protected by a secured container or cage; or
5. the dog is otherwise protected in a manner that will prevent the dog from jumping, falling, or being thrown from the vehicle.

(C) Any person violating the provisions of this Section shall be punished by a fine of not less than One Hundred Dollars ($100.00) or more than Two Hundred and Fifty Dollars ($250.00).

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-1-5-3 REPEALED

Repealed by Ordinance 2022-19

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022)

§ 15-1-5-4 OFFENSIVE USE OF AN ANIMAL

(A) It shall be a violation in Johnson County for a person to willfully deposit a dead animal upon public or private premises not owned by that person, or willfully to throw a live or dead animal against any other person, or aid or abet another person in doing so.

(B) Any person violating the provisions of this Section shall be punished by a fine of not less than Twenty-Five Dollars ($25.00) and not more than Seventy-Five Dollars ($75.00).

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-1-5-5 INVESTIGATION

(A) Upon probable cause and obtaining a warrant, the Johnson County Animal Control Director, Deputy Director, and Johnson County Animal Control Personnel are empowered to enter upon premises where any animal is kept or harbored in a reportedly cruel or inhumane manner.

(B) Personnel may demand to examine the animal and take possession of the animal when, in his or her opinion, it requires veterinary care or other humane treatment.
(C) Personnel may request a licensed veterinarian to make a report or decision on the animal's health. Expenses of a report will be charged to the owner or harborer of the domestic animal.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-1-5-6 RIGHT TO INSPECT COMMERCIAL KENNELS

(A) For the purposes of this Section, a commercial kennel is any premise used to conduct a commercial business involving the boarding of domestic animals.
(B) The JCAC Director or Deputy Director may, upon receiving a complaint or upon his or her own motion, inspect any commercial kennel and the books and records of that commercial kennel, without notice.
(C) Violations of this ordinance by commercial kennels may, at the discretion of the JCAC Director or Deputy Director, require intervention by the Indiana Board of Animal Health; penalties for such violation may include shutting down the facility.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

ARTICLE 2: COMMUNITY CAT POPULATION CONTROL

Chapter 1: General
15-2-1-1 Purpose
15-2-1-2 Definitions

Chapter 2: Caretakers
15-2-2-1 Caretaker Responsibilities
15-2-2-2 Violations

Chapter 3: Trap, Neuter, Return Program
15-2-3-1 Community Cat Population Control through TNR

Chapter 4: Repealed
15-2-4-1 Repealed
15-2-4-2 Repealed

CHAPTER 1: GENERAL

§ 15-2-1-1 PURPOSE

(a) The purpose of this Article is to control the population of community cats in unincorporated Johnson County.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-2-1-2 DEFINITIONS

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

(a) **EARTIP:** A straight-line cut off a community cat's left ear, which is performed under anesthesia, by or under the supervision of a licensed Veterinarian. Eartipping is designed to be a universal identification that a cat is sterilized, vaccinated and part of the Johnson County TNR program.

(b) **COMMUNITY CAT.** Any free roaming cat that may be cared for by one or more residents of the immediate area. A community cat may or may not be socialized/feral/fractious. A community cat may also be defined as a cat 'found' outside that is brought to an animal shelter and not yet sterilized, ear tipped or vaccinated for rabies. The cats must be found in good health with all claws. A community cat cannot be found at large pursuant to 15-1-1-1.

(c) **COMMUNITY CAT CARETAKER (CARETAKER).** Any individual, who provides care, including food, shelter or medical for a community cat colony. A community cat caretaker is not an owner pursuant to 15-1-1-1 and does not assume the same responsibilities as an owner.

(d) **COMMUNITY CAT COLONY.** One or more cats that congregate, more or less, together as a unit outside.

(e) **TRAP, NEUTER, & RETURN (TNR).** A program in which community cats are trapped, spayed or neutered, vaccinated against rabies, eartipped, and returned to live in the wild. TNR activities done in Johnson County must be performed in accordance with this Article.

(f) **COMMUNITY CAT PROGRAM.** A program in which a cat in good health, found outside that is brought to the Johnson County Animal Shelter should be sterilized, ear tipped, and vaccinated for rabies. The cat is then returned to its location from which it was found, or other location determined by the JCAC Director or personnel.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

CHAPTER 2: CARETAKERS

§ 15-2-2-1 CARETAKER RESPONSIBILITIES

(A) All community cat caretakers must follow and comply with the guidelines set forth by JCAS

(B) In addition to participating in Johnson County's TNR program, community cat caretakers must:

1. Make all reasonable attempts to return trapped non-community cats with identification to their owners. If there is no visible owner identification, send trapped non-community cats to JCAS for impoundment;
2. Make all reasonable attempts to remove kittens from a colony between 6 and 10 weeks of age for socialization and placement;
3. Ensure the colony has a steady supply of food and water free from debris and algae.
4. Trapping of free-roaming or community cats is permitted only for the purpose of trap-neuter-return, unless the community cat is injured and veterinary care is required; and

(C) Community cat caretakers must fully cooperate with JCAC in resolving:

1. Any situation involving community cats posing a potential threat to public health and safety, including the possible risk of rabies transmission;
2. Any investigation into animal cruelty;
3. Any nuisance investigation; and
4. Any situation involving community cats in unsafe or inappropriate areas.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-2-2-2 VIOLATIONS

(A) Caretakers are also subject to having their statuses revoked by JCAC. Upon losing caretaker status, the former caretaker's community cat colony is subject to being impounded by JCAC unless the former caretaker has assumed ownership of the cats and all the responsibilities of an owner according to this Article.

(B) It shall be a violation for a person to provide food or water to a community cat colony unless that person has acceptable documentation showing implementation of the requirements of a community cat caretaker and is in compliance with the guidelines set forth by JCAS. A community cat colony being cared for by an unauthorized person is subject to being impounded by JCAC.

(C) It shall be a violation for any person other than JCAC personnel to trap and relocate cats that are already part of a colony, as indicated by the cat's eartip.

(D) Any person violating the provisions of Subsection (b) or (c) shall be punished by a fine of not less than Twenty Five Dollars ($25.00) or more than Seventy Five Dollars ($75.00).

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

CHAPTER 3: TRAP, NEUTER, AND RETURN PROGRAM

§ 15-2-3-1 COMMUNITY CAT POPULATION CONTROL THROUGH TNR

(A) To reduce and ultimately eliminate the population of community cats in Johnson County, a community cat caretaker follow the guidelines set for by JCAC, listed here in this article. TNR requires a community cat caretaker to make every reasonable effort to:

1. Humanely trap community cats;
2. Have a licensed veterinarian evaluate the health of all trapped community cats;
3. Have a licensed veterinarian sterilize (neuter/spay) all trapped community cats;
4. Have a licensed veterinarian administer a rabies shot to all trapped community cats;
5. Have a licensed veterinarian or veterinary technician eartip all trapped community cats that have been sterilized and given a rabies shot;
6. Return community cats who have been through the TNR program to their original locations; and
7. Maintain proof of sterilization and vaccination.

Should a licensed veterinarian determine that a community cat is seriously ill or injured with no prognosis for human rehabilitation or survival outdoors, the veterinarian must humanely euthanize the animal.

(B) Any community cat is eligible to be processed through the TNR program immediately without hold by JCAS.

(C) A person that returns a community cat to its original location, while conducting TNR, is not deemed to have abandoned the cat.

(D) Community cat caretakers can reclaim impounded community cats, without claiming ownership, solely for the purpose of carrying out TNR and/or returning an eartipped, community cats to their original location.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2022-19, passed 8-22-2022.)

CHAPTER 4: REPEALED

(Ord. 2014-7, passed 1-12-15; repealed by Ord. 2022-19, passed 8-22-2022

ARTICLE 3: ANIMAL CONTROL

Chapter 1: General

15-3-1-1 Purpose
15-3-1-2 Hiring Personnel
15-3-1-3 Enforcement
15-3-1-4 Repealed
15-3-1-5 Severability
15-3-1-6 Prosecution by County Attorney's Office

Chapter 2: Impoundment and Redemption

15-3-2-1 Impoundment
15-3-2-2 Redemption of Impounded Domestic Animals
15-3-2-3 Humane Euthanization of Impounded Domestic Animals
15-3-2-4 Repealed
15-3-2-5 Repealed
15-3-2-6 Bond of Impounded Animals For Offenses Related To Animals

Chapter 3: Fees and Penalties

15-3-3-1 Fee Schedule
15-3-3-2 Repealed
15-3-3-3 Interference with Animal Control Officer

CHAPTER 1: GENERAL

§ 15-3-1-1 PURPOSE

i. This Article is intended to regulate and provide for JCAC duties and powers and JCAS fees.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-3-1-2 HIRING PERSONNEL

(A) The Johnson County Board of Commissioners shall have the power to employ Personnel as are necessary to carry out the provisions of this Ordinance.
(B) The Johnson County Board of Commissioners may seek recommendations for employment of personnel from the JCAC Director.

§ 15-3-1-3 ENFORCEMENT

(a) The provisions of this ordinance shall be enforced by the Johnson County Animal Control Department.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-3-1-4 REPEALED

(a) All prior ordinances, or portions thereof, in conflict with provisions of this Title are, to the extent of such conflict, hereby repealed.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-3-1-5 SEVERABILITY

(a) If any section, provision, or part of this Title is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Title as a whole or any portion thereof not adjudged invalid or unconstitutional.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-3-1-6 PROSECUTION BY COUNTY ATTORNEY'S OFFICE

(a) Citations under Title 15 shall be prosecuted by the County Attorney's Office or its designee. In his/her discretion, and subject to the approval of the County Commissioners, the County Attorney may establish a deferral program pursuant to Ind. Code § 34-28-5-1.

(Ord. 2022-19, passed 8-22-2022)

CHAPTER 2: IMPOUNDMENT AND REDEMPTION

§ 15-3-2-1 IMPOUNDMENT

(A)The JCAC shall capture and impound in the Johnson County Animal Shelter:

1. Any animal found at large;
2. Any animal in violation of 15-1-2-3 above. A microchipped animal may need to be transported to the shelter to properly identify its owner and may be impounded until its owner can be located.
3. Any animal in accordance with Indiana Code § 35-46-3-6, or other applicable state law.

(A) When any animal is found at large and personnel of the JCAC know or have reason to know of the animal's ownership, the animal may be impounded at the personnel's discretion. The JCAC or Deputy Director may, at their discretion, cite the owner(s) of the animal for a violation of this ordinance.

(B) Immediately upon impounding domestic animals, livestock, or poultry, the JCAS personnel shall make a good faith effort to notify the owner and inform him or her of the conditions whereby he or she may regain custody of the animal.

(C) Any livestock, poultry, or other animal not defined as a domestic animal under this article that is not claimed by its owners before the expiration of three calendar days shall become the property of the JCAS, and shall be disposed of at the discretion of the JCAC Director or personnel.

1. The JCAC may place the animal in the custody of a person deemed a

responsible and suitable owner. This new owner shall agree to comply with provisions of this Article and such other regulations as shall be fixed by the Johnson County Animal Control Department. If the animal is one in which respective rights of the owner or person in possession or custody are determined by state law, state law preempts this Article.

2. Any animal impounded under this subsection D, and not reclaimed by its owner within three days, may be humanely euthanized by the JCAC.

(D) Any domestic animal that does not have a microchip and is not claimed by its owners before the expiration of three (3) calendar days shall become the property of the JCAS. Any domestic animal that has a microchip and is not claimed by its owners before the expiration of five (5) calendar days shall become the property of the JCAS. Unclaimed domestic animals will be disposed of at the discretion of the JCAC Director or personnel.

1. The JCAC may place the animal in the custody of a person deemed a responsible and suitable owner. This new owner shall agree to comply with provisions of this Article and such other regulations as shall be fixed by the Johnson County Animal Control Department. If the animal is one in which respective rights of the owner or person in possession or custody are determined by state law, state law preempts this Article.
2. Any domestic animal impounded under the provisions of this Chapter, and not reclaimed by its owner within five days, may be humanely euthanized by the JCAC.
3. No domestic animal which has been impounded shall be allowed to be adopted from the JCAS unless the animal is spayed or neutered.

(E) For the safety of both animals and staff at JCAS, all animals coming into JCAS shall receive species specific vaccines regardless of whether the animal is current on its vaccinations.

(F) Prior to the return to its owner of an impounded dog or cat which at the time of impoundment did not bear a permanent means of identification as required by § 15-1-2-3 of this Code, the JCAC shall cause a microchip with a registered identification number to be implanted in the animal. The fee for such service shall be Ten Dollars ($10.00).

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-02, passed 4-11-2016; amended by 2020-O-04, passed 7-27-2020; amended by Ord. 2022-19, passed 8-22-2022, amended by Ord. 2024-O-3, passed 4-4-2024)

§ 15-3-2-2 REDEMPTION OF IMPOUNDED ANIMALS

(A) Any person whose domestic animal is impounded due to the person's failure to restrain their domestic animal in violation of § 15-1-2-2 of this Ordinance, or

whose domestic animal is impounded after being found at large, shall be subject to a fee of not less than One Hundred Dollars ($100.00) for each domestic animal's first impoundment, and Five Hundred Dollars ($500.00) per domestic animal, per subsequent impoundment, if the following conditions exist:

(1) The animal is six (6) months of age or more; and
(2) The animal has not been spayed or neutered.

(B) All monies collected under this Section shall be deposited into the Johnson County Fund #4915, which shall henceforth be named the Johnson County Animal Adoption Fee Fund.

(C) An owner or harborer shall be entitled to resume possession of any animal impounded under provisions of this Chapter upon:

(1) Proof of spay/neuter or payment of the fine stated in Subsection (A);
(2) Payment of impoundment and medical fees set forth in the fee schedule at 15-3-3-1; and
(3) Proof of vaccination against rabies, or proof that arrangements have been made for the domestic animal to be vaccinated against rabies by a licensed veterinarian.

(D) Any fine issued under this Section shall be paid in addition to any other fine or fee issued under this Title.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-02, passed 4-11-2016; amended by 2016-15, passed 12-12-2016, amended by Ord. 2021-O-11, passed 8-9-2021; amended by Ord. 2022-19, passed 8-22-2022.)

§ 15-3-2-3 HUMANE EUTHANIZATION OF IMPOUNDED ANIMALS

(a) Any impounded animal which creates a physical safety or health threat to JCAC personnel or the general public may, at the discretion of the JCAC Director or his or her designee, be humanely euthanized prior to the expiration of the applicable confinement period.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-02, passed 4-11-2016.)

§ 15-3-2-4 REPEALED

(Ord. 2014-7, passed 1-12-2015; repealed by Ord. 2022-19, passed 8-22-2022)

§ 15-3-2-5 REPEALED

(Ord. 2014-7, passed 1-12-2015; repealed by Ord. 2022-19, passed 8-22-2022)

§ 15-3-2-6 BOND OF IMPOUNDED ANIMALS FOR OFFENSES RELATED TO ANIMALS

In the event an animal is impounded under Indiana Code § 35-46-3-6, or other applicable state law, and is denied return to its owner by the Johnson County Animal Control, the Shelter Director, or any other official having authority to impound animals, the owner and animal shall be subject to the bond procedure as described under Indiana Code § 35-46-3-6

(Ord. 2024-O-3, passed 4-4-2024)

CHAPTER 3: FEES AND PENALTIES

§ 15-3-3-1 FEE SCHEDULE

Fees set forth herein shall be collected by the JCAC and paid over to the Johnson County Auditor to be receipted into the Johnson County Animal Adoption Fee Fund (#4915).

(A) Impoundment Fee: Impoundment fees for all animals shall be Twenty Five Dollars ($25.00) for the first day and Ten Dollars ($10.00) for each additional day.

(B) Euthanasia Fee: Euthanasia fees for all animals shall be Seventy Five Dollars ($75.00). Euthanasia services will not be provided solely at the owner's request.

(C) Disposition Fee: Disposition fees for all animals shall be Twenty-Five Dollars ($25.00).

(D) Voluntary Surrender Fee:

1. Johnson County residents shall pay the following fees when voluntarily surrendering the following animals:

   (a) Livestock: Fifty Dollars ($50.00);

   (b) Dog: Fifty Dollars ($50.00);

   (c) Cat: Forty Dollars ($40.00);

   (d) Other small animals: Twenty-Five Dollars ($25.00)

2. Non-Johnson County Residents shall pay:

   (a) For an Owner-Volunteer surrender a fee of not more than Two Hundred and Fifty Dollars ($250.00);

(b) For the surrender of a stray dog or cat a fee of not more than One Hundred Dollars ($100.00).

JCAC reserves the right to turn away Non-Johnson County Residents seeking to surrender an animal subject to kennel space availability.

3. The surrender of a litter of less than 5 animals shall be Twenty Five Dollars ($25.00).
4. The surrender of a litter greater than 5 animals shall be Thirty Five Dollars ($35.00)

(E) Medical Fee: Medical fees shall be Fifty Dollars ($50.00) per domestic animal.

(F) Quarantine Fee: Animals subject to quarantine may be quarantined at the JCAS at the owner's expense of:

1. Two Hundred and Fifty Dollars ($250.00) for animals 30 pounds and larger; and

2. One Hundred and Seventy Five Dollars ($175.00) for animals under 30 pounds.

(G) Adoption Fee: Adoption fees shall be as follows:

1. All Dogs: Two Hundred Dollars ($200.00)

2. Kittens under six months old: One and Hundred Twenty-Five Dollars ($125.00)

3. Cats six months and older: One Hundred Dollars ($100.00)

Adoption fees may be waived or adjusted at the discretion of the JCAC Director in the event of JCAS overcrowding or depending upon the medical needs of the animal.

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(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-02, passed 4-11-2016; amended by Ord. 2016-16, passed 11-28-2016; amended by Ord. 2020-O-02, passed 7-27-2020; amended by Ord. 2021-O-2, passed 3-8-2021; amended by Ord. 2022-19, passed 8-22-2022, amended by Ord. 2022-O-11, passed 6-12-2023; amended by Ord. 2023-O-26, passed 1-8-2024, amended by Ord. 2024-O-3, passed 4-4-2024, amended by Ord. 2025-O-9, passed 5/27/2025)

§ 15-3-3-2 REPEALED

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-16, passed 11-28-2016; repealed by Ord. 2022-19, passed 8-22-2022)

§ 15-3-3-3 INTERFERING WITH ANIMAL CONTROL OFFICER

(a)It shall be unlawful to

1. Interfere with any animal control officer or other officer empowered to act by law;
2. Take or attempt to take any animal from the county vehicle used to transport the animal;
3. Take or attempt to take any animal from the animal control shelter or impounding area or in any way try to prevent the officer from discharging their lawful duties as empowered;
4. Tamper with Animal Control equipment and cages; or
5. Interfere with Animal Control traps by placing food around the traps with the purpose of keeping an animal from entering the trap.

(b)A person violating this section may be fined up to Two Thousand Five Hundred Dollars ($2,500.00) per occurrence.

(Ord. 2022-19, passed 8-8-2022.)

TITLE 16: PUBLIC HEALTH

Article

1. **BOARD OF HEALTH**

2. **SWIMMING POOL**

3. **COUNTY JAIL; INMATE HEALTH CARE**

4. **ALCOHOL AND DRUG SERVICES PROGRAM**

ARTICLE 1: BOARD OF HEALTH

Section

Chapter 1: Service Fees

16-1-1-1 Definitions
16-1-1-2 Fees for services
16-1-1-3 Requirements for mobile food establishment, temporary, and organized event holders
16-1-1-4 Fines for violations of retail food establishment sanitation requirements

16-1-1-5 Collection accounting and dispositions
16-1-1-6 Effective date

CHAPTER 1: SERVICE FEES

§ 16-1-1-1 DEFINITIONS.

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

AUTHORIZED REPRESENTATIVE. Any person authorized by the Johnson County Health Officer to carry out any of the duties of the Johnson County Health Department and the Johnson County Health Officer as provided by statute.

BOARD. The Johnson County Board of Health, as provided for in I.C. 16-20-2, as amended or substituted therefore.

CRITICAL ITEM AND NONCRITICAL ITEM. Those items identified as such in the State Department of Health "Retail Food Establishment Sanitation Requirements" and/or by way of the "Retail Food Establishment Inspection Report" as provided by the Indiana State Department of Health.

ESTABLISHMENT. Any person, business, or entity which is subject to the State Department of Health "Retail Food Establishment Sanitation Requirements," as the same may be amended hereafter.

HEALTH OFFICER. The Johnson County Health Officer, as provided for in I.C. 16-20-2-16, as amended or substituted therefor.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, or association.

(Ord. 2007-24, passed 9-10-2007)

§ 16-1-1-2 FEES FOR SERVICES.

(A) The Board of Health has authority to charge a fee for certain services. Those fees shall be as follows:

Service	Fee
Environmental Health	
Phase 1 Site Assessments and Inquiries	No fee
On-Site Septic	
Application fee for installation of new on-site system	$150.00
New on-site septic system installation permit	$250.00
New Holding Tank Permit	$500.00
Holding Tank Operating Permit (Valid for 2 years from date of issuance and renewed prior to, or within ten (10) days of expiration)	$200.00
Septic Permit Changes *	$50.00
On-Site Septic Installer Registration	$25.00
On-Site Septic Installer Certification	$25.00
On-Site Septic System Repair	$75.00

**** The Johnson County Health Department must be contacted prior to any changes to a new septic system installation permit, a septic system repair permit, or a holding tank installation permit. Any change to said permits may require a new application and permit, including fees, at the discretion of the Johnson County Health Department.***

Service	***Fee***
Retail Food Establishment	
License to operate January 1-June 30th**	
Establishment with 5 or fewer employees	$125.00
Establishment with 6 to 14 employees	$275.00
Establishment with 15 or more employees	$375.00
Temporary establishment (14 or fewer consecutive days)	$30.00
Organized Event Permit (Public organized events, including Farmers' Markets, organized festivals, and holiday celebrations)***	$200.00
Mobile Food Establishment	$200.00
License to operate July 1-December 31st**	
Establishment with 5 or fewer employees	$62.50
Establishment with 6 to 14 employees	$137.50
Establishment with 15 or more employees	$187.50
Mobile Food Establishment	$100.00
Plan Review for New and Existing Facilities	
Under 3,000 square feet	$200.00
3,000 to 10,000 square feet	$400.00
More than 10,000 square feet	$600.00

*****A renewal invoice for yearly licensed food facilities will be mailed in late October. If the renewal is not post marked by December 31, a double license fee will be charged to the facility.***

******Event organizer must notify the Johnson County Health Department at least 30 days in advance of the event. A vendor will not be granted a permit if the organizer fails to notify within 30 days.***

Swimming Pools-Semi Public and Public	
Pool Application Fee	$100.00
Pool Construction Plan Review Fee	$100.00
Seasonal Pool Annual Fee (May 1st through Labor Day)	$100.00
Full Year Pool Annual Fee	$200.00
Tattoo, Piercing, and Body Modification	
Facility Permit January 1-June 30th**	$750.00
Facility Permit July 1- December 31st**	$375.00
A Tattoo/Body Piercing Artist License	$25.00
A renewal invoice for yearly licensed facilities will be mailed in late October. If the renewal is not post marked by December 31st then a double license fee will be charged to the facility.	
Vital Records	
Death Certificate (per copy)	$20.00 ($17.50 HD, $2.50 Coroner)
Resubmitted Death Certificates (per copy)	$20.00
Birth Certificate (per copy)	$12.00
Certificate Cover	$2.00
Amendments	$25.00
Genealogy research, per name (plus above fee for each certificate)	$5.00
Paternity Affidavits	$50.00

A renewal invoice for yearly licensed facilities will be mailed in late October. If the renewal is not post marked by December 31st then a double license fee will be charged to the facility.

Nursing (effective July 28, 2015)	
The final cost of purchased vaccine will be determined by the cost of the vaccine, taxes, shipping, handling, processing, and administrative fees and will be billed to the patient's contracted insurance company. If the patient chooses to pay for the vaccine, the final cost will be the vaccine cost per dose rounded up to the nearest five-dollar ($5.00) increment plus an administrative fee.	
TB Skin Tests	Cost of Tubersol rounded up to the next $5.00 increment
QuantiFERON Gold blood test	$25.00
Administrative Fee (per person)	$20.00 ****
Sexually Transmitted Infection (STI) Testing	$10 for students with a valid school ID $20 general public
HIV Testing	Free to any individual

*******Administrative fee is waived for anyone 18 years of age or younger who has any form of Medicaid Insurance. Vaccine will not be denied to anyone due to the inability to pay the administration fee.***

(A) Food Establishment licenses to operate are **not transferable** from one person/owner to another. A new license to operate is required whenever there is a new person/owner and the new license shall be obtained prior to the conduct of business under the new owner/person.

(B) All food establishment licenses, pool permits, tattoo/piercing/body modification facility permits and septic permits are subject to a double fee if any activity which requires a license/permit takes place before the necessary licenses/permits are obtained.

(C) Returned Check Fee: $20.00 plus an amount equal to the actual charge by the depository institution for each returned or dishonored instrument, pursuant to IC 26-1-3.1-502.5

(Ord. 2007-24, passed 9-10-2007; Ord. 2010-06, passed 10-18-10; Ord. 2013-02, passed 4-8-13, Ord. 2015-03, passed 7-27-2015; Ord. 2016-08, passed 6-27-2016; Ord. 2018-O-3, passed 7-10-2018. Ord 2023-O-13, passed 6-12-2023; Ord. 2023-O-24, passed 11-6-2023, Ord. 2024-O-8, passed 10-28-2024, Ord. 2024-O-10, passed 10-28-2024, Ord. 2026-O-01, passed 2-23-2026)

§ 16-1-1-3 REQUIREMENTS FOR MOBILE FOOD ESTABLISHMENT, TEMPORARY, AND ORGANIZED EVENT HOLDERS

(A) Operation of a Mobile Food Establishment, even if such operation only occurs seasonally, requires an operator to obtain a Mobile Food Establishment permit or temporary permit. In no event shall a Mobile Food Establishment obtain an organized event permit.

(B) Operators of a Mobile Food Establishment and organized event permit holders shall physically return to an approved commissary at least once daily for any support activities, as defined in 410 IAC 7-26, et seq. Permit holders must submit a commissary kitchen agreement for review and approval by the Authorized Representative.

(Ord. 2026-O-01, passed 2-23-2026)

§ 16-1-1-4 FINES FOR VIOLATIONS OF RETAIL FOOD ESTABLISHMENT SANITATION REQUIREMENTS.

(A) The sanitation requirements, as established by the Indiana State Department of Health as their Retail Food Establishment Sanitation Requirements, are incorporated herein by reference as they exist on the date of this chapter's passing and as they are subsequently modified or amended. All such establishments, which are subject to inspections by the Johnson County Health Officer through his or her authorized representatives and the Johnson County Health Department to determine compliance with sanitation requirements, are subject to the fines set out under the Schedule of Civil Penalties, Title 410 IAC 7-23, as the same is subsequently modified, amended, or recodified.

(B) It is further determined as follows:

(1) All fines are payable within thirty (30) days of the report citing the violation. If the same has not been paid within thirty (30) days from the date due, the same shall bear an additional penalty of 50%, over and above the amount already assessed.

(2) Any and all licenses or permits for any establishment, which are issued or approved by the Johnson County Health Department, shall not be issued or approved until such time as all outstanding fines have been paid or otherwise resolved.

(3) Nothing in this section shall limit the Johnson County Health Department's, the Johnson County Health Officer's, or the Johnson County Board of Health's other enforcement measures available, including, but not limited to, the closure of the establishment and/or denial of a license or permit.

(4) The establishment subject to the fine may appeal by requesting in writing a hearing with the Director of the Environmental Health Division of the Johnson County Health Department, so long as the written request for said hearing is received by the Johnson County Health Department within ten (10) days of the date of the inspection report which resulted in the assessment of the fine. A hearing shall be held, if practicable, within twenty (20) days

thereafter. If the establishment desires to appeal to the Johnson County Health Officer, within ten (10) days of the written decision of the Director of the Environmental Health Division, a hearing shall be held, if practicable, within twenty (20) days of receipt of the request. The time frame for the payment of any fine is suspended for the period of time from the date of the first timely written request for appeal until the date of the final decision. In the event that the establishment fails to make a written request for appeal in a timely manner as stated herein, all rights to further appeal are waived and the fine shall stand as the final decision of the Johnson County Health Department. Any further appeals shall be according to the statutes pertaining to the appeal of a final order from an administrative body and must meet the statutory time constraints for an appeal. The hearings set out above shall be conducted by the head of the Environmental Health Division and/or the Johnson County Health Officer, respectively, and shall not be subject to the formal rules of evidence.

(5) The Johnson County Health Department may pursue the establishment of the collection of the fines in any court of competent jurisdiction in Johnson County, Indiana, and shall be entitled to an award for attorney fees, costs of collection, and other expenses incurred in the inspection process and collection of the fines in question.

(6) The Johnson County Health Department through its environmental health specialists, sanitarians, the Director of the Environmental Health Division, and the Johnson County Health Officer have the authority and discretion to fully or partially waive fines and penalties as they deem appropriate based upon the past performance of the establishment, the nature and number of the "non-critical" failures, the efforts at correction, and such other circumstances as they deem fit and appropriate in determining whether or not the fines should be pursued for the violations indicated. The failure to assess a fine or penalty, or a waiver of a fine or penalty, shall not be considered or operate as a waiver as to any future violation.

(Ord. 2007-24, passed 9-10-2007; Ord. 2010-06, passed 10-18-10; Ord. 2013-02, passed 4-8-13)

§ 16-1-1-5 COLLECTION ACCOUNTING AND DISPOSITIONS.

(A) The Board shall collect such fees established as part of this chapter in accord with the above schedule.

(B) All fees collected by the Board shall be accounted for in detail for each program service area.

(C) All fees collected by the Board shall be transferred to the Johnson County Health Fund. Monies collected in accordance with provision of this chapter shall be used only for maintenance or future expansion of the specific program service from which they are derived.

(Ord. 2007-24, passed 9-10-2007)

§ 16-1-1-6 EFFECTIVE DATE.

This chapter shall be effective April 8, 2013, with the exception of 16-1-1-2(A) Death Certificate Fee, which shall become effective July 1, 2013.
(Ord. 2007-24, passed 9-10-2007; Ord. 2010-06, passed 10-18-10; Ord. 2013-02, passed 4-8-2013)

ARTICLE 2: SWIMMING POOL

Section

Chapter 1: Regulations
16-2-1-1 Regulations adopted by reference
16-2-1-2 Effective date

CHAPTER 1: REGULATIONS

§ 16-2-1-1 REGULATIONS ADOPTED BY REFERENCE.

Any and all of the provisions of the State Department of Health Swimming Pool Rule, 410 I.A.C. 6-2.1, and any successor thereto, and as heretofore or hereafter amended or supplemented, are adopted in their entirety as the "Swimming Pool Ordinance" for the County, as though fully set out herein.
(Ord. 2005-18, passed 1-20-2005)

§ 16-2-1-2 EFFECTIVE DATE.

This chapter shall be effective June 20, 2005.
(Ord. 2005-18, passed 1-20-2005)

ARTICLE 3: COUNTY JAIL; INMATE HEALTH CARE

Section

Chapter 1: Co-Payments
16-3-1-1 Jurisdiction
16-3-1-2 Inmate co-payments
16-3-1-3 Effective date

CHAPTER 1: CO-PAYMENTS

§ 16-3-1-1 JURISDICTION.

This chapter does not apply to a person confined to the County Jail (hereinafter "Jail") who:

(A) Maintains a policy of insurance from a private company covering:
(1) Medical care;
(2) Dental care;
(3) Eye care; and/or
(4) Any other health care related service.

(B) Is willing to pay for the person's own medical care.

(Ord. 2004-14, passed 9-20-2004)

§ 16-3-1-2 INMATE CO-PAYMENTS.

(A) Except as provided in subsection (B) below, a person confined to the Jail shall be required to make a co-payment in an amount of $15 for each provision of any of the following services:
(1) Medical care;
(2) Dental care;
(3) Eye care; and/or
(4) Any other health care related service, including prescriptions and their related handling expenses.

(B) A person confined to the Jail is not required to make co-payments under subsection (A) above if:
(1) The person does not have funds in the person's commissary account or trust account at the time the service is provided;
(2) The person does not have funds in the person's commissary account or trust account within 60 days after the service is provided;
(3) The service is provided in an emergency;
(4) The service is provided as a result of a non-self-inflicted injury received in the Jail;
(5) The service is provided at the request of the County Sheriff or a Jail administrator; or

(6) The person is sentenced to the Indiana Department of Corrections ("IDOC"), in which case the IDOC will be billed for the total cost of the medical services rendered for the IDOC inmate as permitted by IC 35-38-3-3(e)-(f).

(C) Co-payments shall be debited from an inmate's commissary account before commissary items are disbursed or before the release of the inmate from the Jail.

(D) If an inmate does not have funds in his or her commissary account at the time the medical service is provided, a negative balance will be placed on his or her account for 60 days from the date the service was provided. After the 60-day period has passed, the negative balance shall be removed.

(E) Medical treatment shall not be denied for the inability or failure to make co-payments under this chapter.

(F) Except for money collected under 16-3-1-2(B)(6), all money collected pursuant to this chapter must be deposited into the County Medical Care For Inmates Fund. For money collected under 16-3-1-2(B)(6), the reimbursement money shall be deposited in the county general fund and, upon proper appropriation, shall be used by the Sheriff only for the purposes of paying the costs of incarcerating in the county jail Level 6 felons meeting the criterion of IC 35-38-3-3(c)-(d). The Auditor shall provide the county fiscal body and the Sheriff an itemized record of the per diem and medical reimbursements received by the county under 16-3-1-2(B)(6) on a semiannual basis.

(Ord. 2004-14, passed 9-20-2004; amended by Ord. 2021-O-16, passed 10-25-2021)

§ 16-3-1-3 EFFECTIVE DATE.

This chapter shall be in force and effect from and after its passage, approval, and publication according to law.
(Ord. 2004-14, passed 9-20-2004)

ARTICLE 4: ALCOHOL AND DRUG SERVICES PROGRAM

Section

Chapter 1: General Provisions
16-4-1-1 Continued establishment

CHAPTER 1: GENERAL PROVISIONS

§ 16-4-1-1 CONTINUED ESTABLISHMENT.

(A) The County Alcohol and Drug Services Program previously has been established in the County.

(B) For the continued establishment of the program, the County Board of Commissioners as the legislative body of the County must approve the continued operation of the program.

(C) The County Board of Commissioners now issues this section approving the continued establishment of the County Alcohol and Drug Services Program.

(Ord. 2001-6, passed 4-30-2001)

TITLE 17: RESERVED

[RESERVED]

TITLE 18: RESERVED

[RESERVED]

TITLE 19: RESERVED

[RESERVED]

TITLE 20: RESERVED

[RESERVED]

TITLE 21: LIBRARIES

[RESERVED]

TITLE 22: COUNTY EMPLOYEES

Article

1.	**VACATION; FULL-TIME EMPLOYMENT**
2.	**PER DIEM**
3.	**USE OF CREDIT CARDS BY GOVERNMENTAL UNIT**
4.	**BUSINESS TRAVEL POLICIES**
5.	**DUTY WEAPONS; RETIREMENT BADGES AND IDENTIFICATION**
6.	**ACCESS CARDS; REPLACEMENT**
7.	**DEFERRED COMPENSATION PLAN; SHERIFF'S DEPARTMENT**
8.	**BLANKET SURETY BONDS**

ARTICLE 1: VACATION; FULL-TIME EMPLOYMENT

Section

Chapter 1: General Provisions

22-1-1-1 Vacation with pay to full-time hourly employees

CHAPTER 1: GENERAL PROVISIONS

§ 22-1-1-1 VACATION WITH PAY TO FULL-TIME HOURLY EMPLOYEES.

(A) All full-time County hourly employees who are compensated for their services on an hourly basis shall be granted vacation with pay after one year of full-time employment.

(B) The Board of Commissioners shall determine the rates at which vacation time accrues and publish those rates in the Johnson County Government Employee Handbook.

(C) Employees will be compensated for unused vacation time upon their death, which may then be distributed to their heirs and assigns in accordance with applicable law.

(Ord. 77-7, passed 9-19-1977, amended by Ord. 2015-10, passed 12-22-2015)

ARTICLE 2: PER DIEM

Section

Chapter 1: Election Day; Inspectors, Judges, and Poll Clerks
22-2-1-1 Title
22-2-1-2 Purpose
22-2-1-3 Findings
22-2-1-4 Effective date

CHAPTER 1: ELECTION DAY; INSPECTORS, JUDGES, AND POLL CLERKS

§ 22-2-1-1 TITLE.

This chapter shall be known as the "Poll Workers Per Diem Ordinance of Johnson County, Indiana."
(Ord. 2000-2, passed 3-6-2000)

§ 22-2-1-2 PURPOSE.

The County Board of Commissioners, pursuant to I.C. 3-6-6-25, establishes a per diem for inspectors, judges, poll clerks, and assistant poll clerks for the performance of all the duties of office imposed upon them by state law.
(Ord. 2000-2, passed 3-6-2000)

§ 22-2-1-3 FINDINGS.

The following shall be paid per diem for performance of their duties on election day as follows:

(A) Inspectors: $120 per day of service;
(B) Judges: $70 per day of service; and
(C) Poll clerks: $70 per day of service.

(Ord. 2000-2, passed 3-6-2000)

§ 22-2-1-4 EFFECTIVE DATE.

This chapter shall be in full force and effect on and after March 6, 2000.
(Ord. 2000-2, passed 3-6-2000)

ARTICLE 3: USE OF CREDIT CARDS BY GOVERNMENTAL UNIT

Section

Chapter 1: General Provisions
22-3-1-1 Procedures to obtain a department credit card
22-3-1-2 Authorized uses of County credit cards
22-3-1-3 Record keeping

CHAPTER 1: GENERAL PROVISIONS

§ 22-3-1-1 PROCEDURES TO OBTAIN A DEPARTMENT CREDIT CARD.

County department credit card agreements must be approved and signed by the County Board of Commissioners. The maximum credit limit allowed will be $5,000, unless the department provides information that supports a request for a higher limit. Efforts must be made to locate credit card agreements that do not require an annual fee, although the County Board of Commissioners may consider approving such an agreement that requires an annual fee.
(Ord. 98-11, passed 10-5-1998; Ord. 2008-27, passed 12-8-2008)

§ 22-3-1-2 AUTHORIZED USES OF COUNTY CREDIT CARDS.

(A) Permission to carry and use the credit card is at the discretion of the department head.
(B) Only those persons specifically authorized by the department head may use the department's Visa card. Card users must have read and signed a copy of the Department Credit Card Use Policy.
(C) The Visa credit card may only be used to secure services or purchase goods for the exclusive use and benefit of the department.
(D) There is a $5,000 credit limit on each department's account. Several cards may be issued to a department, however, all of the cards draw off of the same account and collectively reduce the $5,000 account limit.
(E) All costs incurred and charged with the credit cards must be business related and not personal in nature. Personal use is strictly prohibited.
(F) The credit cards may not be used for cash advances.
(G) Expenses of $5 or less may not be charged.
(Ord. 98-11, passed 10-5-1998; Ord. 2008-27, passed 12-8-2008)

§ 22-3-1-3 RECORD KEEPING.

All departments utilizing credit cards must maintain an accounting system or log which would include the names of individuals requesting usage of the cards, their position, estimated amounts to be charged, fund and account number to be charged, and the date the card is issued and returned. Procedures for payments shall be no different than for any other claim. Original, unaltered receipts must be attached and timely submitted, along with a monthly credit card purchase manifest listing the fund, vendor, purchase description, and purchase amount. Such credit card purchase manifest shall be a form approved by the Johnson County Board of Commissioners. Any interest or penalty incurred due to late filing or furnishing of documentation by an officer or employee shall be the responsibility of that officer or employee.
(Ord. 98-11, passed 10-5-1998; Ord. 2008-27, passed 12-8-2008; Ord. 2018-O-7, passed 10-22-2018)

ARTICLE 4: BUSINESS TRAVEL POLICIES

Section

Chapter 1: Procedures for Business Travel and Expense Reimbursement for County Government Officials and Employees

22-4-1-1 Policy statement
22-4-1-2 State-called meetings
22-4-1-3 Transportation
22-4-1-4 Meal allowance
22-4-1-5 Lodging
22-4-1-6 Out-of-state travel
22-4-1-7 Use of benefit time in conjunction with business travel
22-4-1-8 Recordkeeping and claim submission
22-4-1-9 Recovery of expenses erroneously paid
22-4-1-10 Annual review
22-4-1-11 Repealer
22-4-1-12 Effective date

CHAPTER 1: PROCEDURES FOR BUSINESS TRAVEL AND EXPENSE REIMBURSEMENT FOR COUNTY GOVERNMENT OFFICIALS AND EMPLOYEES

§ 22-4-1-1 POLICY STATEMENT.

Johnson County funds may be used for business travel in accordance with the following ordinance, which was established by Joint Council and Board of Commissioners Ordinance 2008-1 and amended by 2015-J-01 and 2022-J-02 and applies to all Johnson County Elected Officials, Department Heads, and employees.

It is incumbent on the Elected Officials and Department Heads to encourage such travel and training when deemed to be beneficial to all concerned, respectful of taxpayer money and relevant to the employee's job description.

When there is deemed to be abuse of travel and training funds, the final decision regarding reimbursement shall be rendered by the Board of Commissioners.

Elected Officials, Department Heads, and employees should avoid impropriety or the appearance of impropriety, including the public perception that a business trip has been taken for personal reasons. County funds may never be used for personal gain. All Elected Officials, Department Heads, and employees shall exercise special care not to incur expenses or seek reimbursement for expenses that could be reasonably construed to be personal.

This ordinance applies to the use of public funds, whether such funds are expended directly or in response to a request for reimbursement. All Elected Officials, Department Heads, and employees shall make reasonable attempts to procure the most economical and cost-effective rates available which are appropriate for the travel situation.

For the purposes of this ordinance, the term "event" shall include training, education, certification, licensing, and any other conference or meeting which provides valuable information to the attendee that is relevant to his or her employment with Johnson County.
(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015; amended by Ord. 2022-J-1, passed 1-10-2022)

§ 22-4-1-2 STATE-CALLED MEETINGS.

Use of County funds for expenses arising from attendance at state-called meetings shall be made in accordance with Indiana Code.
(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-3 TRANSPORTATION.

(A) Mileage, Parking, and Tolls
  (1) When a personal vehicle is used for County business travel purposes, County funds may be expended for mileage at the rate established by the Internal Revenue Service.
  (2) County funds may be used for parking and toll fees incurred during the performance of County business.
  (3) County funds may be used for valet parking only if valet parking is less costly, more efficient, and/or safer than other alternatives.

(B) Air Travel

(1) County funds may be used for the least expensive class of airline ticket available as is practicable.

(2) County funds may be used to deliver an Elected Official, Department Head, or employee to and from the airport at both the arriving and departing airports.

(C) Vehicle Rental

(1) County funds may be used for vehicle rental expenses, including collision and/or liability damage waiver insurance, when suitable local public transportation is not available or County-owned vehicles are not available.

(2) County funds may not be used for rental expenses accumulated for personal travel.

(D) County Vehicle Use

Subject to availability and scheduling procedures, County vehicles, including pool vehicles, may be used for out-of-state or overnight business travel.

(E) Exceptions

(1) Employees, Elected Officials, or Department Heads with unusual circumstances or who are requesting exceptions to this Section shall request approval from the Board of Commissioners prior to the date of intended departure.

(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015; amended by Ord. 2017J-01, passed 9-11-2017; amended by Ord. 2022-J-1, passed 1-10-2022)

§ 22-4-1-4 MEAL ALLOWANCE.

(A) Expenditures of County funds for meals during business travel within the state are limited to Fifty-Five Dollars ($55.00) per day (including tax and a maximum of 20% gratuity). For first and last day of business travel within the state, expenditures of County funds for meals are limited to Forty-One Dollars and Twenty-Five Cents ($41.25) per day (including tax and a maximum of 20% gratuity). Expenditures of County funds for meals during business travel outside Indiana shall be made according to the allowances set forth in the Federal guidelines found at https://www.gsa.gov/travel/plan-book/per-diem-rates, provided those rates shall serve as maximum allowances and include tax and a maximum of 20% gratuity. Reimbursement shall be made only for actual expenditures made instead of paying a flat amount to the employee. When meals are provided through the Event, use of County funds for those provided meals is prohibited.

(B) County funds shall not be used for meals when business travel is within Johnson County, subject to Indiana Code provisions regarding state-called meetings.

(C) Employees, Elected Officials, or Department Heads with unusual circumstances or who are requesting exceptions to this Section shall request approval from the Board of Commissioners as soon as is practicable prior to the date of intended departure.

(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015; amended by Ord. 2022-J-1, passed 1-10-2022)

§ 22-4-1-5 LODGING.

(A) Use of County funds for lodging is permitted for State-Called Conferences and for Events occurring more than 50 miles from the employee's primary place of County employment. The Conference room rate is considered presumptively reasonable. Elected Officials/Department Heads must request approval from Commissioners for any overnight stay prior to any expenditure being made.

(B) County funds shall not be used for upgrades in lodging.

(C) If accommodations are shared by people from different budgetary departments, separate hotel bills must be obtained or an explanation for the division of the expense must be provided.

(D) If accommodations are shared by persons not employed by Johnson County:

(1) A separate bill need not be issued if the expense of lodging is being shared with another person.

(2) County funds may be used to pay that portion of the hotel bill equal to the total cost divided by the number of occupants, or the single occupancy room rate may be claimed.

(3) In all cases, the Elected Official, Department Head, or employee shall request the hotel staff to record the payments and/or single occupancy room rate on the hotel bill.

(E) Prior Approval Required for All Lodging: Employees, Elected Officials, or Department Heads with unusual circumstances or who are requesting exceptions to this Section shall request approval from the Board of Commissioners as soon as is practicable prior to the date of intended departure.

(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015; amended by Ord. 2022-J-1, passed 1-10-2022)

§ 22-4-1-6 OUT-OF-STATE TRAVEL.

(A) All out-of-state travel requires prior approval from the Elected Official or Department Head.

(B) Employees engaged in out-of-state travel shall make every attempt to utilize the County's tax-exempt status. However, should that tax-exempt status not be recognized by the entity providing lodging, County funds shall be used to cover said additional expense, either directly or through reimbursement to the employee if paid directly.

(C) The following information, when available, will be helpful to the Board of Commissioners when determining whether to approve out-of-state travel:

(1) Travel dates;
(2) Agenda; and
(3) Estimated expenses.

This list is not exhaustive.

(B) Approval will not be given if equivalent training and educational opportunities are available within the State of Indiana, unless the training can be shown to be superior in value or contect.

(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015; amended by Ord. 2022-J-1, passed 1-10-2022)

§ 22-4-1-7 USE OF BENEFIT TIME IN CONJUNCTION WITH BUSINESS TRAVEL.

(A) While the primary purpose of travel must be County business, approval may be granted to make a trip wherein personal/vacation time and business travel are merged.

(B) If the travel costs increase due to the personal/vacation time, then the Elected Official, Department Head, or employee is responsible for payment of any additional expenses charged.

(C) If personal/vacation leave is combined with any business trip, County funds may not be used for the lodging for the extra days of travel time.

(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-8 RECORDKEEPING AND CLAIM SUBMISSION.

(A) All employees must obtain advance authorization from their Elected Official or Department Head before planning or embarking on business travel.

(B) It shall be the duty of the Elected Official or Department Head to monitor their department's compliance with this ordinance in all areas, including proper documentation as herein required.

(C) In order for expenses incurred for Event travel to be paid with County funds, the following must be submitted:

(1) A claim explanation/reimbursement form developed by the Johnson County Auditor for this purpose;
(2) Original, unaltered, itemized receipts documenting all expenses;
(3) Proof of attendance in the form of conference agenda or certificate of completion;
(4) Verification reflecting the distance of the Event from the primary place of employment if requesting reimbursement for lodging; and
(5) A full and complete mileage claim form, if requesting reimbursement for mileage.

(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015; amended by Ord. 2022-J-1, passed 1-10-2022)

§ 22-4-1-9 RECOVERY OF EXPENSES ERRONEOUSLY PAID.

The County may recover any expense or allowance paid to any Elected Official, Department Head, employee, or entity which was paid due to error, illegality, or fraud within a reasonable time after its discovery or within the applicable statute of limitations or relevant Indiana code.
(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-10 ANNUAL REVIEW.

This ordinance shall be reviewed annually by the Johnson County Board of Commissioners with due consideration given to the State of Indiana's then-existing travel policies and procedures.
(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-11 REPEALER.

All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.
(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-12 EFFECTIVE DATE.

This ordinance shall take effect on May 1, 2015.
(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

ARTICLE 5: DUTY WEAPONS; RETIREMENT BADGES AND IDENTIFICATION

Section

Chapter 1: General Provisions

22-5-1-1 Title
22-5-1-2 Purpose
22-5-1-3 Definitions
22-5-1-4 Findings
22-5-1-5 Effective date

CHAPTER 1: GENERAL PROVISIONS

§ 22-5-1-1 TITLE.

This chapter shall be known as the "Retention of Service Weapon Ordinance of Johnson County, Indiana."
(Ord. 2003-18, passed 12-22-2003)

§ 22-5-1-2 PURPOSE.

The powers granted to the County Board of Commissioners pursuant to I.C. 36-1-4 *et seq*., authorize it to dispose of certain interests in property; and the Board and the County Sheriff desire to express their appreciation to employees who retire in good standing from the County Sheriff's Office.
(Ord. 2003-18, passed 12-22-2003)

§ 22-5-1-3 DEFINITIONS.

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

ELIGIBLE EMPLOYEE. A regular employee of the Office who is issued a service weapon (handgun).

OFFICE. Refers to the County Sheriff's Office.
(Ord. 2003-18, passed 12-22-2003)

§ 22-5-1-4 FINDINGS.

(A) If an eligible employee retires after at least 20 years of service, the employee may:
  (1) Retain the employee's issued service weapon; and
  (2) Receive a "retired" badge in recognition of the employee's service to the Office and the citizens of the County.

(B) Upon an eligible employee's retirement, the Sheriff shall issue to the employee an identification card that:
  (1) Gives the employee's name and rank;
  (2) Signifies that the employee is retired; and
  (3) Notes the employee's authority to retain the employee's service weapon.

(Ord. 2003-18, passed 12-22-2003)

§ 22-5-1-5 EFFECTIVE DATE.

This chapter shall be in full force and effect on and after December 22, 2003.
(Ord. 2003-18, passed 12-22-2003)

ARTICLE 6: ACCESS CARDS; REPLACEMENT

Section

Chapter 1: General Provisions
22-6-1-1 Access cards; charges

CHAPTER 1: GENERAL PROVISIONS

§ 22-6-1-1 ACCESS CARDS; CHARGES.

(A) Any employee who loses an access card provided to the employee free of charge by the County Board of Commissioners and who requests a replacement access card shall be charged $3.60 for the replacement card.

(B) Furthermore, any employee, regardless of whether or not the employee requests a replacement card, shall notify the Maintenance Director immediately upon loss of any access card.

(Ord. 08-07, passed 3-24-2008)

ARTICLE 7: DEFERRED COMPENSATION PLAN; SHERIFF'S DEPARTMENT

Section

Chapter 1: General Provisions
22-7-1-1 Establishment

CHAPTER 1: GENERAL PROVISIONS

§ 22-7-1-1 ESTABLISHMENT.

(A) The County Board of Commissioners, meeting in a regularly scheduled session, hereby establishes a Deferred Compensation Plan for the County Sheriff's Office to allow for the voluntary participation of employees of the Sheriff's Office; and the County Sheriff's Office will utilize the Deferred Compensation Plan established by County Sheriff's Offices in the state known as the Indiana Sheriffs 457(b) Plan and participate in the group trust arrangement established by that Deferred Compensation Plan;

and the Sheriff is authorized to sign the adoption agreement to participate in the Deferred Compensation Plan.

(B) The County Board of Commissioners hereby authorizes the County Auditor to make deductions from the pay of employees of the County Sheriff's Office who voluntarily participate in the Deferred Compensation Plan and to deposit the deferrals in the Trust. The County Board of Commissioners also authorizes the committee made up of representatives of the Sheriff Office participating in the Plan (as determined by participating Sheriff Offices) to make such other arrangements as are necessary to implement the Plan. It is understood that other than the incidental expenses related to collecting the employees' deferrals and other minor administrative matters, there is to be no cost to or contribution by the County to this Plan.

(Ord. 2008-21, passed 9-8-2008)

ARTICLE 8: BLANKET SURETY BONDS

Section

Chapter 1: General Provisions

22-8-1-1 Blanket surety bonds

CHAPTER 1: GENERAL PROVISIONS

§ 22-8-1-1 BLANKET SURETY BONDS.

It is desired and deemed necessary and in the best interests of the local government that those provisions of I.C. 5-4-1-18 which authorize blanket surety bonds for all County officers required to be bonded, be adopted in and for the County. Therefore, in the furtherance of the purpose, the County Council of the County does hereby authorize the acquisition of a blanket surety bond for all County officers required to be bonded, and the County Auditor and/or Board of County Commissioners are hereby authorized within limits prescribed by law, to proceed with the acquisition of bond of a type and nature as hereinbefore provided.

(Ord. 1, passed 12-4-1989)

TITLE 23: CEMETERIES

[RESERVED]

TITLE 24: WEIGHTS AND MEASURES

Article

1. GUIDELINES FOR INSPECTOR

ARTICLE 1: GUIDELINES FOR INSPECTOR

Section

Chapter 1: General Provisions

24-1-1-1 Definitions
24-1-1-2 State standards; compliance required
24-1-1-3 Inspection of mobile instruments
24-1-1-4 Instrument repair and installation
24-1-1-5 Security seals
24-1-1-6 Commodity regulations
24-1-1-7 Enforcement

CHAPTER 1: GENERAL PROVISIONS

§ 24-1-1-1 DEFINITIONS.

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

COUNTY INSPECTOR. The person or persons duly authorized to inspect weighing or measuring instruments in the County.

INSTRUMENT. Any scale, weight, beam, measure, or weighing or measuring device of every kind or instrument, or parts thereof, subject to regulation by the Division of Weights and Measures of the State Department of Health.

(Ord. 2009-05, passed 4-27-2009)

§ 24-1-1-2 STATE STANDARDS; COMPLIANCE REQUIRED.

No person engaged in the business of selling, buying, exchanging goods or commodities by weight, measurement, or volume shall use an instrument in his or her business operations for such purpose if such instrument does not meet the standards established by the state or the Division of Weights and Measures of the State Department of Health. A person who violates this section shall be fined $50.

(Ord. 2009-05, passed 4-27-2009)

§ 24-1-1-3 INSPECTION OF MOBILE INSTRUMENTS.

(A) If an instrument is mobile or otherwise operated at more than one location and is not made available to be inspected by the County Inspector at a permanent business location during regular business hours of the County, the County Inspector shall have the authority to order the owner or operator to present the instrument for inspection by the County Inspector at a time and location designated by the County Inspector.

(B) A person who fails to comply with such order of the County Inspector shall be fined $50.

(Ord. 2009-05, passed 4-27-2009)

§ 24-1-1-4 INSTRUMENT REPAIR AND INSTALLATION.

(A) All owners or operations of instruments shall inform the County Inspector that an instrument has been repaired or installed, and shall provide the County Inspector with the location of such instrument prior to that instrument being placed into service. The County Inspector thereafter shall certify the instrument's accuracy, and shall affix a security seal and/or annual approval seal. A person who violates this section shall be fined $50 for each such instrument placed into service without such certificate and seal.

(B) Any person who owns or operates more than one instrument of a particular type at a business location shall serially number each instrument in such a manner that each instrument shall be readily distinguishable from all other such instruments of that type present at that location. A person who violates this section shall be fined $25.

(C) After an instrument is certified with a security seal and an annual approval seal, such instrument shall not be recalibrated without establishing that the instrument's calibration is outside the range of acceptance tolerance for that instrument as provided in the appropriate section of the most current edition of "Handbook 44" published by the National Institute of Standards and Technology, U.S. Department of Commerce. A person who violates this section shall be fined $100.

(Ord. 2009-05, passed 4-27-2009, amended by Ord. 2017-O-10, passed 11-20-2017.)

§ 24-1-1-5 SECURITY SEALS.

(A) When an instrument is security sealed by a County Inspector, such security seal shall not be cut, severed, or removed without permission of a

County Inspector. Any instrument designed to be security-sealed shall be sealed by a County Inspector.

(B) Repair personnel whose instrument is certified under IC § 24-1-1-4 may remove a security seal for the purpose of making repairs without prior approval of the County Inspector. Repair personnel who cut, sever, or remove a security seal shall notify the County Inspector within 24 hours.

(C) If the instrument bears an annual approval seal on its exterior, such approval seal shall not be altered, defaced, or removed.

(D) No security seal or annual approval seal shall be valid in the County except a seal authorized by the County Inspector.

(E) No instrument shall be used in the business of selling, buying, bartering, or exchanging of goods or commodities if:

a. the security seal has been cut, severed, or removed, *or*

b. the event counter, event logger, or other analogous component that generates an electronic audit trail for the instrument has been recalibrated

until it is resealed by the County Inspector or permission is given by the County Inspector if immediate resealing is impractical.

(F) A person who violates this section shall be fined $100.

(Ord. 2009-05, passed 4-27-2009, amended by Ord. 2017-O-10, passed 11-20-2017.)

§ 24-1-1-6 COMMODITY REGULATIONS.

(A) All persons engaged in the selling, buying, bartering, or exchanging of goods or commodities must sell, buy, barter, or exchange the goods or commodities using the legal method of selling, buying, bartering, or exchanging such goods or commodities as required by the National Conference on Weights and Measures Sale of Commodities Regulation.

(B) All commodities and goods offered for sale in packages or containers shall meet all labeling requirements of the National Conference on Weights and Measures Packaging and Labeling Regulations. A manufacturer, wholesale distributor, or retail seller who violates this section may be fined as follows for the number of such units at each location where they are available for purchase:

1 to 25 units	$50
26 to 50 units	$100
51 to 75 units	$150
76 to 100 units	$200
101 to 200 units	$400
201 or more units	$500

(C) All commodities when required to be sold by weight must be sold by net weight, and all commodities required to be sold by measure or count shall be accurate as required.

(D) The manufacturer, wholesale distributor, or retail seller of a prepackaged commodity that is less than the weight, measure, or count designated on its package may be fined as follows for the number of such units at each location where they are available for purchase:

1 to 25 units	$50
26 to 50 units	$100
51 to 75 units	$150
76 to 100 units	$200
101 to 200 units	$400
201 or more units	$500

(Ord. 2009-05, passed 4-27-2009)

§ 24-1-1-7 ENFORCEMENT.

(A) The County Inspector may issue to the violator a citation that shall be written on a citation ticket and kept on file in the Weights and Measures Office.

(B) If the violator does not pay the fine and/or correct the problem within 10 calendar days, the matter shall be referred to the County Attorney for prosecution.

(C) The fine shall be doubled if the person has a prior violation of this chapter within one year.

(D) Each day the violation continues constitutes a separate violation.

(E) All fines shall be deposited into a dedicated, nonreverting fund (Fund Number 462) to be used for capital purchases for the Weights and Measures Department, subject to appropriation of funds by the County Council.

(Ord. 2009-05, passed 4-27-2009)

TITLE 25: LICENSES

Article

1. SECOND-HAND GOODS; PAWN BROKERS

2. PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

3. FOOD SERVICE ESTABLISHMENTS

4. CONTRACTORS OPERATING WITHIN JURISDICTION OF COUNTY

5. ALCOHOL SALE

ARTICLE 1: SECOND-HAND GOODS; PAWN BROKERS

Section

Chapter 1: General Provisions
25-1-1-1 Pawnbrokers
25-1-1-2 Dealers in used or second-hand goods

CHAPTER 1: GENERAL PROVISIONS

§ 25-1-1-1 PAWNBROKERS.

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

CUSTOMER.

(a) Any person who, as a part of his or her regular business, deposits or pledges any personal property or thing of value with another person or business, on condition of obtaining or recovering the property back again at a stipulated price, or any person who applies for sale of or who sells any personal property or thing of value to another person or business.

(b) Any person who shall be paid an advance on the consignment of any merchandise to be sold by another person or business;

(c) Any person who shall sell pawn tickets to another person or business so that another person or business may redeem and resell that merchandise; and/or

(d) Any person who shall renegotiate, with another person or business, a pawn loan between themselves and another person or business.

PAWNBROKER.

(a) Any person who as a part of his or her regular business, loans money on the deposit or pledge of any personal property or thing of value, on the condition of redelivering or selling the article back again at a stipulated price;

(b) Any person who shall pay cash advances on the consignment of merchandise to be sold;

(c) Any person who as a part of his or her regular business practice shall buy pawn tickets from individuals so as to redeem and resell that merchandise;

(d) Any person who shall as a part of his or her regular business renegotiate pawn loans between individuals and other pawnbrokers.

(e) This term does not apply to used car dealers and retailers who take in partial consideration of the purchase of a new item a used item which is the same type of merchandise they normally sell new.

TRANSACTION.

(a) Any sale, loan, pledge, or deposit of any personal property or thing of value between a customer and a person or business as a part of the regular business of the person or business.

(b) Any advance payment on the consignment of any merchandise between a customer and a person or business.

(c) Any sale of pawn tickets by a customer to a person or business for the purpose of redemption and resale of the pawned merchandise.

(d) Any renegotiation of a pawn loan by a customer and a person or business of a pawn loan between the customer and another person or business.

(B) *Pawnbroker license required*. It shall be unlawful for any person to engage in the business of a pawnbroker outside of the corporate limits of the cities and towns in the County without first obtaining a pawnbroker license therefor from the County Auditor.

(C) *Application for pawnbroker license*.

(1) All applicants for a pawnbroker license shall first furnish to the County Auditor evidence of compliance with the requirements of subsection (D) below.

(2) The evidence shall be in the form of a three-inch by five-inch photograph in which the installation of the device required by subsection (D) below is clearly visible and identifiable, in addition to other written information as the County Auditor, in his or her discretion, may require.

(3) All applications for a pawnbroker license shall be supported by affidavits of at least three resident freeholders of the County stating that the applicant is of good moral character.

(4) All applicants for a pawnbroker license shall, as a condition for the granting of a pawnbroker license, and on a portion of the application provided by the County Auditor, agree that in the event the applicant, as a licensed pawnbroker, receives merchandise of any kind which is stolen, he or she claims no right, title, or interest in or to the merchandise, and that upon a request by a law enforcement officer having jurisdiction over the location of his or her place of business, he or she will voluntarily surrender the merchandise to the possession of that law enforcement officer when given a receipt for same.

(D) *Photographic recording devices; photograph required*.

(1) All applicants for a pawnbroker license under this chapter shall install, and all licensed pawnbrokers shall operate or cause to be operated in the regular course of business, a photographic recording device for use in recording the photograph of all three of the following:

(a) The customer;

(b) The customer's social security card or his or her driver's license; and

(c) The card record required by subsection (I) below on transactions of $15 or more or when the property involved has a value of $15 or more.

(2) The photographic recording devices shall be maintained in good operating condition and be mounted in such a manner as to take a full front photograph of the head and shoulders of each customer as he or she completes each transaction, and a simultaneous photograph of items in subssection (D)(1)(b) and (c) above.

(3) The licensed pawnbroker shall furnish sufficient lighting to ensure that the photographic image is identifiable.

(4) No licensed pawnbroker shall accept any article as collateral or for security or for purchase unless he or she shall make a photograph, as provided in this chapter, of the person from whom the article is being received, his or her identification, and the card record, as required above.

(E) *Specifications for photographic recording devices*. All photographic recording devices installed by applicants for a pawnbroker license and licensed pawnbrokers under this chapter, pursuant to the requirements of subsection (D) above, shall meet the following specifications: Any photographic camera of dual lens type which is pre-focused and permanently mounted, and which provides simultaneous single frame photographs of both the person standing before the horizontal lens and a document and/or article placed on a copyboard beneath the vertical lens.

(F) *Pawnbroker license fees*. The annual fee for a pawnbroker license required by this chapter shall be $200 for each place of business of the licensed pawnbroker.

(G) *Unlawful purchases*. It shall be unlawful for any licensed pawnbroker under this chapter to receive any article(s) in the course of the pawnbroker's business from any person who is in an intoxicated condition, a minor or who is known or suspected by the pawnbroker to have acquired and be disposing of those article(s) unlawfully.

(H) *Record book.*

(1) Every licensed pawnbroker under this chapter shall keep and preserve a book in which shall be legibly written in ink an accurate description in the English language of all articles pawned and the amount of money loaned thereon; the time of the transaction; the name, address, telephone

number, age, color, height, weight, complexion, style of beard or mustache, any visible distinctive marks or conditions (if any), style of dress of the person pawning the articles; and the number of the pawn ticket issued therefor. Every licensed pawnbroker under this chapter shall keep, in addition to the ledger records required by this subsection, records of each customer and each article pawned or purchased by control number of the photographs taken of the person and of the documents as required by subsection (D) above, which records shall be accessible by name of the person pawning or selling the article, by the article type, and by the photograph control number.

(2) The record book required to be kept by subsection (H)(1) above shall be open to inspection at all reasonable times by a law enforcement officer having jurisdiction over the location of the business and the County Auditor.

(I) *Card record*.

(1) In addition to the record book required by this chapter, all licensed pawnbrokers under this chapter shall fill out one of the cards prescribed by this subsection for each article pawned. The licensed pawnbroker shall fill out the front of each card in its entirety and the description of the customer on the back. The customer shall write in his or her own handwriting his or her name and address on the back of the card and place his or her right thumb print in the space provided. If the right thumb is missing, any of the customer's fingerprints may be used, and so indicated. The thumb print or fingerprint shall be made in the manner approved by law enforcement agencies and shall not be blurred or obliterated. All cards required by this subsection shall contain, in addition to such other information as is required by this subsection, the control number of the photograph required by subsection (D) above.

(2) All exposed frames of 16 millimeter films containing photographs of persons selling or pledging articles taken during each business day as required by this subsection, shall be kept as official records on file by control number by the licensed pawnbroker for at least 90 days at his or her place of business and the records shall be available at any time to officers of the law enforcement agency having jurisdiction over the licensed pawnbroker's place of business, and shall be given to the officers of the law enforcement agency upon request.

(3) The back side of each of the cards prescribed by subsection (I)(1) above shall be in the following form:

"Signature _____
Address _____
Description of Customer--To be filled out by the dealer
_____
_____
_____
Sex ____ Age _____ Height _____ ft _____ in.
Weight about _____ lbs.
Race or Nationality _____
Clothing _____
Complexion _____ Right Thumb print"

(4) Before the hour of 12:00 p.m. of each day, each licensed pawnbroker under this chapter shall deliver all of the cards filled out on the previous business day, pursuant to the requirements of this subsection, to the County Sheriff.

(J) *Retention of acquired property*. All property received by a licensed pawnbroker under this chapter shall be held intact by the licensed pawnbroker for at least seven days after the card record required by this chapter is delivered to the County Sheriff. Whenever any licensed pawnbroker receives written notice, either from the County Sheriff or from an individual, that someone is maintaining claim of right to possession of the property adverse to the licensed pawnbroker, the licensed pawnbroker shall keep the property in his or her possession or turn it over to the County Sheriff if so required by the County Sheriff.

(K) *Serial numbers required*. No licensed pawnbroker shall accept as collateral or security or for purchase any property of the type given manufacturer's serial numbers or other identifying insignia unless the property shall have plainly visible thereon the manufacturer's serial number or other identifying insignia.

(L) *Violations; penalty*. Any person who violates one or more of the provisions of this chapter shall be guilty of an ordinance violation, and upon conviction, may be fined not more than $2,500 for each violation. The County Auditor shall have the power and authority to revoke any license granted under this chapter for any violation by a licensed pawnbroker of any provision or condition contained in this chapter. The revocation shall occur only after due notice in writing and opportunity for hearing before the County Auditor or his or her designee have been afforded the licensed pawnbroker.

(M) *Confidentiality of photographs*. All photographs taken in accordance with the provisions of subsection (D) above shall be restricted, with respect to the access to the photographs and the use thereof, to law enforcement agencies for the purpose of investigations involving wanted persons and stolen property. Any use of the photographs by or for private individuals or other commercial concerns is expressly prohibited.

(Ord. 83-9, passed 8-8-1983)

§ 25-1-1-2 DEALERS IN USED OR SECOND-HAND GOODS.

(A) *Second-hand dealer license requirements*.

(1) It shall be unlawful for any person to engage in the business of buying, selling, or in any way dealing with used or second-hand goods of any kind outside of the corporate limits of the cities and towns in the County, without first obtaining a second-hand dealer license from the County Auditor.

(2) This chapter shall not apply to retailers who primarily sell unused goods who, in the course of selling the unused goods, occasionally receive used goods as partial consideration for the sale of the unused goods, and dispose of the same by sale or otherwise.

(3) Also, this chapter does not apply to used car retailers who take in partial consideration of the purchase of a new item, a used item, which is the same type merchandise they normally sell new.

(B) *Application for second-hand dealer license*.

(1) All applications for second-hand dealer licenses required by this chapter shall be submitted on forms provided by the County Auditor and the applicant shall provide all information requested thereon.

(2) There shall be four classes of second-hand dealer licenses, as follows.

(a) *Regular*. A regular second-hand dealer license may be granted to any person who sells or intends to sell second-hand goods from a fixed location for a period exceeding 15 consecutive days in a calendar year.

(b) *Transient*. A transient second-hand dealer license may be granted to any person who sells or intends to sell second-hand goods from various locations for a period not exceeding 15 consecutive days at any one specific location. The license shall only be issued for and valid at a location where a person has been issued a group license as defined herein, and the group licensee has sponsored the transient license applicant.

(c) *Group*. A group second-hand dealer license may be granted to any person who sponsors a used goods show at any one location for a period not exceeding 15 consecutive days. The group licensee shall be required to set out the names and addresses of all persons the applicant for a group license will allow to participate in the used goods show and the applicant for a group license will be required to obtain a transient license for each of those persons that do not hold one. A transient license is

required of each person other than the group licensee who participates in the used goods show.

(d) *Antique dealer*. An antique dealer designation may be given to any of the above three classes of second-hand dealer license upon the request of the applicant, who satisfactorily shows that he or she predominately deals in what is commonly known as antiques or works of art; and the County Auditor, in his or her discretion, may make special designation upon payment of an additional fee (to that required for a regular, transient, or group license) of $25.

(3) Any person may apply for, and hold, more than one class of second-hand dealer license at a time; provided, that, the issuance of one class of license shall not automatically entitle an applicant to another class of license.

(C) *Second-hand dealer license fee*. The annual fee for a second-hand dealer license required by this chapter shall be $15 for each place of business of the licensed second-hand dealer.

(D) *Card record*.

(1) All licensed second-hand dealers under this chapter shall fill out one of the cards described in subsection (D)(2) below for each article purchased. The licensed second-hand dealer shall fill out the front of each card in its entirety and the description of the customer on the back. The customer shall write in his or her own handwriting his or her name and address on the back of the card and place his or her right thumb print in the space provided. If the right thumb is missing, any of the customer's fingerprints may be used, and so identified. The thumb print or fingerprint shall be made in the manner approved by law enforcement agencies and shall not be blurred or obliterated.

(2) The back side of each of the cards prescribed by subsection (D)(1) above shall be in the following form:

"Signature
_____
Address
_____
_____
Description of Customer--To be filled out by dealer
_____
_____
_____
Sex _____ Age _____ Height _____ ft. _____ in.
Weight _____ lbs.
Race or Nationality _____

Clothing

_____

____

Complexion _____ Right Thumb print"

(3) Before the hour of 12:00 p.m. of each day, each licensed second-hand dealer licensed under this chapter shall deliver all of the cards filled out on the previous business day, pursuant to the requirements of this subsection, to the County Sheriff.

(E) *Retention of acquired property*.

(1) All property received by a licensed second-hand dealer under this chapter shall be held intact by the licensed second-hand dealer for at least seven days after the card report required by this chapter is delivered to the County Sheriff.

(2) Whenever any licensed second-hand dealer receives written notice, either from the County Sheriff or from an individual, that someone is maintaining a claim of right to possession of the property adverse to the licensed second-hand dealer, the licensed second-hand dealer shall keep the property in his or her possession or turn it over to the County Sheriff if so required by the County Sheriff.

(3) Once notice of an adverse claim to property has been given under this subsection (E), the property shall be held for a period of 20 days, during which legal proceedings may be commenced to determine who is entitled to the property.

(4) If the matter is not settled or legal proceedings have not been commenced within 20 days, the property shall be returned to the licensed second-hand dealer by the County Sheriff, if held by the Sheriff, and the licensed second-hand dealer may dispose of the property, as he or she sees fit.

(F) *Violations, penalty*. Any person who violates one or more of the provisions of this chapter shall be guilty of an ordinance violation, and upon conviction, may be fined not more than $2,500 for each violation. The County Auditor shall have the power and authority to revoke any license granted under this chapter for any violation by a licensed second-hand dealer of any provision or condition contained in this chapter. The revocation shall occur only after due notice in writing and opportunity for hearing before the County Auditor or his or her designee have been afforded the licensed second-hand dealer.

(Ord. 83-9, passed 8-8-1983)

ARTICLE 2: PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

Section

Chapter 1: Peddlers and Canvassers

25-2-1-1 Definitions
25-2-1-2 License required
25-2-1-3 Application for license
25-2-1-4 General prohibitions; penalties
25-2-1-5 Grounds for denial of license
25-2-1-6 License form
25-2-1-7 Exhibition of license
25-2-1-8 Revocation of license
25-2-1-9 Hearing
25-2-1-10 Repealer
25-2-1-11 Severability
25-2-1-12 Effective date

Chapter 2: Transient Merchants

25-2-2-1 "Transient merchant" defined
25-2-2-2 License required
25-2-2-3 Application for license; notice to state revenue department
25-2-2-4 Investigation of the applicant
25-2-2-5 License fee; veteran's fee exception
25-2-2-6 Issuance of license
25-2-2-7 Denial of license
25-2-2-8 Expiration
25-2-2-9 Penalty for violation
25-2-2-10 Exceptions
25-2-2-11 Temporary association or partnership
25-2-2-12 Hearing
25-2-2-13 Repealer
25-2-2-14 Severability
25-2-2-15 Effective date

CHAPTER 1: PEDDLERS AND CANVASSERS

§ 25-2-1-1 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply:

CANVASSER. A person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the noncommercial primary purpose of:

1. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause; OR

2. Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service.

PEDDLER. A person who attempts to make personal contact with a resident at his or her residence without prior specific invitation from the resident, with the primary purpose of attempting to sell or solicit a good or service, whether or not the goods or services are actually delivered at the time of the sale. This term includes solicitors and those collecting information for commercial purposes. (Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-2 LICENSE REQUIRED.

(A) No person shall be engaged as a peddler in unincorporated Johnson County, Indiana, without first complying with the requirements of this Chapter and securing a license pursuant to this Chapter.
(B) A license is NOT required for canvassers, although canvassers may choose to obtain a license for the purpose of reassuring County residents of the canvasser's good faith.
(C) Licenses granted under this Chapter shall be good for a period of six (6) months, at the expiration of which reapplication is required.
(D) Each person engaging in peddling activities, whether individually or as a representative of a company, shall complete an application.
(E) License renewal shall be in the same manner and be subject to the same conditions as the original license.
(F) Licenses are non-transferable. No person shall use a license issued to any other person.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-3 APPLICATION FOR LICENSE.

Applicants for a license under this chapter shall file with the Johnson County Sheriff's Office, on a form provided by that Office, a sworn application in writing which shall give the following information:

(A) Proof of age, address, and identification of applicant, to be provided by presenting the applicant's driver's license, state identification card, passport, or other United States government-issued identification card;
(B) A brief description of the nature of the business and the goods to be sold;
(C) The name and address of the company represented by the applicant, if any;
(D) If the company is incorporated, the state of its incorporation, whether it is authorized to do business in Indiana and evidence that the corporation has

designated a resident agent in Indiana upon whom legal service may be made, and that the corporation will be responsible for the acts of its employees in the County;

(E) The motor vehicle make, model, year, color, and state license plate number of any vehicle which will be used by each person;

(F) The website and email address of a representative for the company, where residents having subsequent questions can go for more information;

(G) A statement as to whether the applicant has been convicted of any felony or misdemeanor, and, if so, the nature of the offense, the penalty or punishment imposed, the date and place of such offense, and whether the applicant is required to be registered as a sex offender in this or any state;

(H) The last counties, cities, or towns, not exceeding three (3), where the applicant carried on business immediately preceding the date of application;

(I) A statement as to whether a civil judgment has ever been entered against the applicant or, to the applicant's knowledge, the company, for fraud, deceit, or breach of contract, if so, the full details thereof; and

(J) Authorization for the Johnson County Sheriff's Office to conduct a criminal background check to verify information disclosed on the application.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-4 GENERAL PROHIBITIONS; PENALTIES.

(A) No person shall:

1. With or without a license, enter upon private property where any form of sticker or sign is clearly displayed advising that the occupant does not wish to be called upon by peddlers, canvassers, and/or solicitors, such as a "No Soliciting" sign;
2. With or without a license, remove any sign or sticker that gives notice that the occupant does not wish to be called upon by peddlers, canvassers, and/or solicitors;
3. With or without a license, distribute any commercial or non-commercial literature at any private property in a manner that causes permanent damage to such property; or
4. With or without a license, remain on private property after being asked by the occupant to leave.

Any person violating the provisions of this Subsection (A) may be subject to criminal penalties under Indiana Code.

(B) No person shall:

1. With or without a license, use, or attempt to use, any entrance other than the front or main entrance to the dwelling except by express invitation of the occupant of the property; or

2. Engage in peddling activities as defined above without first obtaining a license from the Johnson County Sheriff's Office.

Any person violating the provisions of this Subsection (B) shall be punished by a fine of not more than ten dollars ($10.00) for a first offense, fifty dollars ($50.00) for a second offense, nor more than seventy-five dollars ($75.00) for each subsequent offense. Multiple citations may be issued on the same day, if more than one offense occurs. Repeated violations may result in license revocation.

(C) It is a violation of this Chapter for any person, organization, corporation, or business entity to instruct, direct, command, order, organize or otherwise arrange for any person to engage in any violation of this Chapter. Any person violating the provisions of this Subsection (C) shall be punished by a fine of not less than $500 and not more than $2,500 for each violation. Repeated violations may result in license revocation.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-5 GROUNDS FOR DENIAL OF LICENSE.

The Johnson County Sheriff's Office may deny an applicant a license for any of the following reasons:

(A) The applicant has been convicted of a crime, if
1. the crime is substantially related to the qualifications, functions, or duties of the business, profession, or occupation for which the license is to be issued;
2. the crime was against the property of another;
3. the crime was of a nature such that the applicant must register as a sex offender; or
4. the crime was against a person;

(B) The applicant has committed any act involving dishonesty, fraud, or deceit which resulted in criminal or civil liability;

(C) The applicant made any false, misleading, or fraudulent statement on an application, or has submitted an incomplete application; or

(D) Issuance of the license would be inconsistent with public health, safety, or general welfare.

The Johnson County Sheriff shall issue a written denial within three (3) business days, stating therein the basis for the denial.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-6 LICENSE FORM.

(A) The license shall show the date of issuance, the activity licensed, and the expiration date of the license (not more than six months from date of issue), a current photo of the applicant, and shall be signed by the Johnson County Sheriff. The Johnson County Sheriff shall keep a record of all licenses issued.

(B) All applicants for a license under this Chapter shall pay to the Johnson County Sheriff a license fee of Ten Dollars ($10.00) for each six (6) month period in which the applicant proposes to transact business.

(C) Pursuant to I.C. § 25-25-2-1, this fee shall not apply to a United States veteran described in I.C. § 10-17-5-2 or I.C. § 10-17-5-1, or any other United States veteran who holds an honorable discharge from such service issued by the proper authorities. Upon the presentation of the veteran's certificate of honorable discharge, properly executed, to the Johnson County Sheriff and proving the person's identity as the person named in the person's certificate of honorable discharge, the Sheriff shall issue to the former soldier or sailor a free license under this Chapter. United States veterans must comply with all other requirements of this Chapter.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-7 EXHIBITION OF LICENSE.

(A) Each person engaged in an activity licensed under this Chapter at the residence of a prospective buyer shall at the outset disclose to the prospective buyer his or her name and the company he or she represents. If requested to do so, the license holder must immediately leave the premises.

(B) The license holder must carry license at all times when engaged in the licensed activity, and shall exhibit the license when applying for a renewal and upon demand of any law enforcement officer to avoid penalties under this Chapter.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-8 REVOCATION OF LICENSE.

Any license issued may be suspended or revoked by the Johnson County Sheriff, for any of the following causes:

(A) Fraud, misrepresentation, or incorrect statement contained in the application, or made in carrying on the licensed activity;

(B) Actions unauthorized or beyond the scope of the license granted;

(C) Violation of any regulation or provision of this Chapter applicable to the activity for which the license has been granted, or any applicable regulation or law of the state; or

(D) Failure to continuously comply with all conditions required as precedent to the approval of the license.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-9 HEARING.

(A) Any person aggrieved by the action of any County official in denying or revoking a license shall have the right to a hearing before the County Auditor, or his or her designee, on any such action, provided a written request therefor is filed with the County Auditor within ten (10) days after receipt of the notice of the denial or revocation of any license.

(B) The action taken by the County Auditor, or his or her designee, after the hearing shall be final.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-10 REPEALER.

All prior ordinances, or portions thereof, in conflict with provisions of this Chapter are hereby repealed.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-11 SEVERABILITY.

If any section, provision, or part of this Chapter is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Chapter as a whole or any portion thereof not adjudged invalid or unconstitutional.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-12 EFFECTIVE DATE.

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

(Ord. 2015-02, passed 6-22-2015)

CHAPTER 2: TRANSIENT MERCHANTS

§ 25-2-2-1 "TRANSIENT MERCHANT" DEFINED.

For the purposes of this chapter, the term "transient merchant" includes all persons, firms, limited liability companies, and corporations, both as principals and agents, who engage in, do, or transact any temporary or transient business in this state, either in one (1)

locality or in traveling from place to place in this state, offering for sale or selling goods, wares, or merchandise, and those who, for the purpose of carrying on such business, hire, lease, or occupy any permanent or mobile building, structure, or real estate for the exhibition by means of samples, catalogues, photographs, and price lists or sale of such goods, wares, or merchandise. The term does not include the following:

(A) any person, individual, copartner, limited liability company, or corporation which grows the goods, wares, or merchandise that is sold or offered for sale;

(B) a person who makes crafts or items by hand and sells them or offers them for sale;

(C) an auctioneer who is licensed under IC 25-6.1;

(D) a resident of the County in which the sale takes place who conducts a sale of tangible personal property for no more than four (4) days per calendar year;

(E) an organization that is exempt from the Indiana gross retail tax under IC 6-2.5-5-26;

(F) a person who:

1. sells merchandise;
2. offers to sell merchandise; and
3. provides proof that the sale is being conducted as part of an activity sponsored by an organization described in Subsection (E); and

(G) a person who:

1. organizes;
2. sells merchandise at;
3. offers to sell merchandise at; or
4. exhibits at;

a trade show or convention.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-2 LICENSE REQUIRED.

(A) No person shall be engaged as a transient merchant in unincorporated Johnson County, Indiana, without first complying with the requirements of this Chapter and securing a license pursuant to this Chapter.

(B) No license shall be good for more than one (1) location or for more than one person.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-3 APPLICATION FOR LICENSE; NOTICE TO STATE REVENUE DEPARTMENT.

Any transient merchant desiring to transact business in Johnson County, Indiana, shall file a verified application for a license with the Johnson County Auditor on forms provided for that purpose.

(A) Attached to the application shall be a receipt showing that personal property taxes on the goods, wares, and merchandise to be offered for sale or sold have been paid, and such representation will be attested to by the applicant on the application form under the penalties for perjury.

(B) Attached to the application shall be a copy of a notice, which ten (10) days before the application has been filed, shall have been mailed by registered mail by the applicant to the Indiana Department of Revenue. The notice shall state the precise period of time and location from which the applicant intends to transact business, the approximate value of the goods, wares, and merchandise to be offered for sale or sold, and such other information as the Indiana Department of Revenue or its successor may request or by regulation require. Such representations that the applicant has complied with the above provisions shall be attested to by the applicant on the application form under the penalties for perjury.

Falsification of any application requirement is grounds for refusing to issue a license or for the revocation of the license.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-4 INVESTIGATION OF THE APPLICANT.

Upon receipt of an application for a license under this Chapter, the Auditor shall forward the application to the Johnson County Sheriff who may conduct an investigation concerning the truth of the facts stated in the application, the character of the applicant, and the condition of the premises upon which the proposed licensed activity is to take place.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-5 LICENSE FEE; VETERAN'S FEE EXEMPTION.

(A) All applicants for a license under this Chapter shall pay to the Johnson County Treasurer a license fee of One Hundred Dollars ($100.00) for each six (6) month period in which the applicant proposes to transact business. The applicant shall thereupon file the Johnson County Treasurer's receipt for such payment with the Johnson County Auditor.

(B) Pursuant to I.C. § 25-25-2-1, this fee shall not apply to a United States veteran described in I.C. § 10-17-5-2 or I.C. § 10-17-5-1, or any other United States veteran who holds an honorable discharge from such service issued by the proper authorities. Upon the presentation of the veteran's certificate of honorable discharge, properly executed, to the Johnson County Auditor and proving the person's identity as the person named in the person's certificate of honorable discharge, the auditor shall issue to the former soldier or sailor a free license under this Chapter. United States veterans must comply with all other requirements of this Chapter.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-6 ISSUANCE OF LICENSE.

Upon the filing application and applicant's full compliance with all the provisions of this Chapter, the Johnson County Auditor shall issue to the applicant a license authorizing the applicant to transact business as proposed in the application. Such license is not transferable and is valid only in unincorporated Johnson County.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-7 DENIAL OF LICENSE.

The Johnson County Auditor's Office may deny an applicant a license for any of the following reasons:

(A) The applicant has been convicted of a crime, if:
1. the crime is substantially related to the qualifications, functions, or duties of the business, profession, or occupation for which the license is to be issued;
2. the crime was against the property of another;
3. the crime was of a nature such that the applicant must register as a sex offender; or
4. the crime was against a person, such as homicide, attempted homicide, rape, attempted rape, sexual assault, or battery;

(B) The applicant has committed any act involving dishonesty, fraud, or deceit which resulted in criminal or civil liability;

(C) The applicant made any false, misleading, or fraudulent statement on an application, or has submitted an incomplete application; or

(D) Issuance of the license would be inconsistent with public health, safety, or general welfare.

The Johnson County Auditor shall issue a written denial within three (3) business days, stating therein the basis for the denial.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-8 EXPIRATION.

Within ten (10) days after a license expires, the license holder shall file with the Johnson County Auditor an inventory of all goods, wares, and merchandise sold and the price received therefore, which inventory shall be verified by the person who filed the application for the license with the Johnson County Auditor.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-9 PENALTY FOR VIOLATION.

(A) A person who:

1. transacts business without having first obtained a license under this chapter;or
2. knowingly advertises, offers for sale, or sells any goods, wares, or merchandise contrary to this ordinance;

commits a Class B Infraction for each day a violation occurs.

(B) A person licensed under this Chapter who refuses to leave the premises of a prospective buyer when requested to do so may be subject to fines of up to $100 per occurrence. Repeated violations of this subsection may result in license revocation.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-10 EXCEPTIONS.

The provisions of this Chapter shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business nor to bona fide sale of goods, wares, or merchandise by sample for future delivery, or to sheriffs, constables, or other public officers selling goods, wares, and merchandise according to law, nor to bona fide assignees or receivers appointed in Indiana selling goods, wares, and merchandise for the benefit of creditors.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-11 TEMPORARY ASSOCIATION OR PARTNERSHIP.

A temporary association or partnership with a person excluded from the definition of transient merchant does not relieve a transient merchant from complying with this Chapter.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-12 HEARING.

(A) Any person aggrieved by the action of any County official in denying or revoking a license shall have the right to a hearing before the County Auditor, or his or her designee, on any such action, provided a written request therefor is filed with the County Auditor within ten (10) days after receipt of the notice of the denial or revocation of any license.

(B) The action taken by the County Auditor, or his or her designee, after the hearing shall be final.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-13 REPEALER.

All prior ordinances, or portions thereof, in conflict with provisions of this Chapter are hereby repealed.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-14 SEVERABILITY.

If any section, provision, or part of this Chapter is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Chapter as a whole or any portion thereof not adjudged invalid or unconstitutional.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-15 EFFECTIVE DATE.

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

(Ord. 2015-02, passed 6-22-2015)

ARTICLE 3: FOOD SERVICE ESTABLISHMENTS

Section

Chapter 1: General Provisions

25-3-1-1 Permits
25-3-1-2 Sanitation requirements
25-3-1-3 Sale, examination, and condemnation
25-3-1-4 Inspection of establishment
25-3-1-5 Temporary food service establishments
25-3-1-6 Approval of plans
25-3-1-7 Penalties

CHAPTER 1: GENERAL PROVISIONS

§ 25-3-1-1 PERMITS.

(A) *Permits required*.

(1) It shall be unlawful for any person to operate a food service establishment, temporary food service establishment, mobile food unit, pushcart, or food processing establishment in the County who does not possess a valid permit from the County Health Officer.

The permit shall be posted in a conspicuous place in the eating establishment.

(2) Only persons who comply with the applicable requirements of this chapter shall be entitled to receive and retain a permit. The permit for a food service establishment shall be for a term of one year beginning January 1, and expiring December 31 of the same year and shall be renewed annually.

(3) The permit for a temporary food service establishment shall be for a term of one year or one continuous operation.

(4) Any permit issued by the County Health Officer shall contain the name and address of the person to whom the permit is granted, the address of the premises for which the same is issued, and such other pertinent data as may be required by the County Health Officer.

(5) A separate permit shall be required for each food service establishment, temporary food service establishment, mobile food unit, pushcart, or food processing establishment operated or to be operated by any person. A permit issued under this chapter is not transferable.

(6) A permit shall be issued to any person on application after inspection and approval by the County Health Officer; provided, that the food service establishment, temporary food service establishment, mobile food unit, pushcart, or food processing establishment complies with all the applicable provisions of this chapter.

(7) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

(B) *Permit fee*. The permit fee applicable to permits under this chapter is set out in a separate County ordinance.

(C) *Delinquent fee*. A delinquent fee of 25% of the standard fee will be assessed on any permit not renewed by March 1.

(D) *Waiver of fee*. The provisions of this chapter shall apply to all food service operations operated by fraternal organizations, service clubs, religious, educational, and charitable institutions. However, no permit fee shall he paid by religious, educational, or service organizations.

(Ord. 84-1, passed 2-13-1984)

§ 25-3-1-2 SANITATION REQUIREMENTS.

All food service establishments, food processing establishments, mobile food units, pushcarts, and temporary food service establishments shall comply with the minimum sanitation requirements specified by the State Board or Health Rule 410 I.A.C. 7-15.1 or as the same may be hereafter changed or amended.

(Ord. 84-1, passed 2-13-1984)

§ 25-3-1-3 SALE, EXAMINATION, AND CONDEMNATION.

(A) It shall be unlawful for any person to sell through a food service establishment, food processing establishment, mobile food unit, pushcart, or temporary food service establishment any food which is unwholesome, adulterated, or misbranded.

(B) Samples of food may be taken and examined by the County Health Officer as often as may be necessary to determine freedom from unwholesomeness, adulteration, or misbranding.

(C) The County Health Officer may, on written notice to the owner or operator, impound and forbid the sale of any food which is unwholesome, adulterated, or misbranded, or which he or she has probable cause to believe to be unwholesome, adulterated, or misbranded.

(D) The County Health Officer may cause to be removed or destroyed any food which in his or her opinion is unwholesome, adulterated, or misbranded; provided that in the case of misbranding which can be corrected by proper labeling, the food may be released to the operator for correct labeling under the supervision of the County Health Officer.

(Ord. 84-1, passed 2-13-1984)

§ 25-3-1-4 INSPECTION OF ESTABLISHMENT.

(A) *Frequency of inspection*. Frequency of inspection may vary due to the risk factor associated with the food service activity. Based on the risk factor, the frequency of inspection may vary from three months to no less than an annual inspection for each food service establishment, food processing establishment, mobile food unit, pushcarts, or temporary food service establishment for which a permit is required under the provision of this chapter.

(B) *Procedures when violations are noted*. If, during the inspection of any food service establishment, food processing establishment, mobile food unit, pushcart, or temporary food service establishment, the County Health Officer discovers the violation of any of the sanitation requirements in § 25-3-1-2, he or she shall issue a written report listing the violations to the proprietor or, in his or her absence, to the person in charge, and fixing a time within which the operator shall abate and remedy the violations. A copy of the written report shall be filed with the records of the County Board of Health.

(C) *Authority to inspect and to copy records*. The person operating any facility for which a permit is required under this chapter shall, upon the request of the County Health Officer, permit the County Health Officer, or his or her authorized representative, access to all parts of the food service establishment, food processing establishment, mobile food unit, pushcart, or temporary food service establishment and shall permit copying any or all records related to the enforcement of this chapter.

(D) *Final inspection; prosecution or hearing for violators*. If upon a second and final inspection, the County Health Officer finds that the permittee is violating any of the provisions of this chapter which were in violation on the previous inspection, and concerning which a written order was issued, the County Health Officer shall furnish evidence of the violation to the County Prosecuting Attorney, and he or she shall prosecute all persons violating the provisions of this chapter; or the County Health Officer may promptly issue written order to the permittee of the food service establishment, food processing establishment, mobile food unit, pushcart, or temporary food service establishment to appear at a certain time, no later than 10 days from the date of final inspection, and at a place in the County fixed in the order to show cause why the permit issued under the provisions of § 25-3-1-1 above should not be revoked.

(E) *Revocation of permit*. The County Health Officer, upon the hearing, if the permittee should fail to show cause, shall revoke the permit and promptly give written notice of the action to the permittee. The County Health Officer shall maintain a permanent record of his or her proceedings filed in the office of the County Health Department.

(F) *Suspension of permit*.

(1) Any permit issued under this chapter may be temporarily suspended by the County Health Officer without notice or hearing for a period of not to exceed 30 days, for any of the following reasons:

(a) Insanitary or other conditions which in the County Health Officer's opinion may endanger the public's health; and/or

(b) Interference with the County Health Officer, or any of his or her authorized representatives, in the performance of his or her duties.

(2) Provided, however, that upon written application from the permittee, served upon the County Health Officer within 15 days after the suspension, the County Health Officer shall conduct a hearing upon the matter, after giving at least five days' written notice of the time, place, and purpose thereof, to the suspended permittee; provided, further, that any suspension order shall be issued by the County Health Officer in writing and served upon the permittee by leaving a copy at his or her usual place of business or by delivery of registered or certified mail to that address.

(G) *Reinstatement of permit*. Any person whose permit has been suspended may at any time make application to the County Health Officer for the reinstatement of his or her permit.

(Ord. 84-1, passed 2-13-1984)

§ 25-3-1-5 TEMPORARY FOOD SERVICE ESTABLISHMENTS.

(A) *Frequency of inspection*. As often as deemed necessary, the County Health Officer shall inspect each temporary food service establishment for which a permit is required under the provisions of this chapter.

(B) *Procedure to follow when sanitation violations are noted*. If, during the inspection of any temporary food service establishment, the County Health Office discovers the violation of any of the sanitation requirements of § 25-3-1-1 above, he or she shall order the immediate correction of the violation.

(C) *Authority to inspect and to copy records*. The person operating the temporary food service establishment shall, upon the request of the County Health Officer, permit the County Health Officer, or his or her authorized representative, access to all parts of the temporary food service establishment and shall permit copying of any or all records relative to the enforcement of this chapter.

(D) *Revocation of permit and penalties for continued operation*. Upon failure of any person maintaining or operating a temporary food service establishment to comply with any order of the County Health Officer, it shall be the duty of the County Health Officer to revoke the permit of the person and establishment and to forbid the further sale or serving of food therein. Any person continuing to sell or serve food in the temporary food service establishment, the permit of which has been revoked, shall be subject to the penalties provided in § 25-3-1-7 below.

(Ord. 84-1, passed 2-13-1984)

§ 25-3-1-6 APPROVAL OF PLANS.

All food service establishments which are hereafter constructed or renovated shall conform in their construction to the applicable requirements of this chapter. Properly prepared plans and specifications shall be submitted to and approved by the County Health Officer before starting any construction work.

(Ord. 84-1, passed 2-13-1984)

§ 25-3-1-7 PENALTIES.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Upon conviction, the violator shall be punished for the first offense by a fine of not more than $500; for the second offense by a fine of not more than $1,000; and for a third and each subsequent offense by a fine of not more than $1,000, and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the County Health Officer shall constitute a distinct and separate offense.

(Ord. 84-1, passed 2-13-1984)

ARTICLE 4: CONTRACTORS OPERATING WITHIN JURISDICTION OF COUNTY

Section

Chapter 1: Comprehensive Listing

25-4-1-1 General provisions
25-4-1-2 Listing fees
25-4-1-3 Listing requirements
25-4-1-4 Board of Contractors
25-4-1-5 Organization of Board
25-4-1-6 Meetings
25-4-1-7 Record of proceedings
25-4-1-8 Registry of listings
25-4-1-9 Qualifications to be listed
25-4-1-10 Bond
25-4-1-11 Approval for listing
25-4-1-12 Listing personal; not transferable
25-4-1-13 Suspensions or revocation of listing for a person
25-4-1-14 Suspension or revocation of listing for partnership or corporation
25-4-1-15 Hearing and appeal
25-4-1-16 Improper display

CHAPTER 1: COMPREHENSIVE LISTING

§ 25-4-1-1 GENERAL PROVISIONS.

(A) *Title*. This chapter shall be known and may be cited as the Contractors Listing Ordinance of Johnson County, Indiana.

(B) *Compliance*. No contractor shall operate in any manner whatsoever in the County, except in full compliance with all provisions of this chapter and after lawful issuances of permits required by this chapter.

(C) *Purpose*. The purpose of this chapter is to establish a comprehensive listing of contractors who operate within the jurisdiction of the County, and providing for the administration, enforcement, and amendment thereof in order to promote the health safety and general welfare of the residents of the jurisdiction.

(D) *Application*. It is not intended by this chapter to interfere with, abrogate, or amend any covenants or other agreements between parties, nor is it intended by this chapter to repeal, abrogate, or annul or in any way interfere with existing provisions of laws or ordinances not specifically repealed by this chapter, or any rules or regulations previously adopted or issued pursuant to law relating to the listing of contractors.

(E) *Severability*. If any provision of this chapter or application of any provision to particular circumstances is held invalid, the remainder of the ordinance or application of that provision to other circumstances shall not be affected.

(F) *Jurisdiction*. This chapter shall apply to all land within the County.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-2 LISTING FEES.

Fees shall be charged for listing contractors in the County in accordance with the fee schedule adopted by the County Board of Commissioners. Fees shall represent the cost of administering the listing program.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-3 LISTING REQUIREMENTS.

Any person, partnership, corporation, or other entity engaging in any construction activity for which a building permit is required shall be a listed contractor under this chapter. However, an individual constructing a dwelling or appurtenant structure for personal use or occupancy shall be exempt from the requirements of this chapter upon the execution of a contractor listing exemption form (which is attached hereto and incorporated herein by reference); provided that, the individual cannot obtain more than one permit for a new residence or two remodel permits in a given calendar year.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-4 BOARD OF CONTRACTORS.

A Board of Contractors (hereinafter referred to as the "Board") shall consist of seven voting members and shall be responsible for carrying out the provisions of this chapter relative to listing of contractors. The Director of the Department of Planning and Zoning of the County (hereinafter referred to as the Director) and any other administrator from other political subdivisions participating in the contractor listing process, shall be nonvoting ex-officio members of the Board. The seven voting members of the board shall be appointed by the County Board of Commissioners for two-year terms in such manner that three terms expire on January 1 of one year, and four other terms expire on January 1 of the next year. Six of the seven members appointed by the County Board of Commissioners shall be persons who are listed in accordance with this chapter and who have had at least five years' experience as contractors, and the remaining appointed member shall be a person (not listed under the ordinance) representing the public at large. Appointment of the six listed contractors shall be made in such a manner that varied fields of contracting, such as, excavation, grading, major systems, single and multi-family construction, as well as the geographical areas of the County and jurisdictions participating in the contractors' listing program are represented on the Board. Each

appointed member shall be a resident of the County. Those members are appointed by, and shall serve at the pleasure of, the County Board of Commissioners and shall hold no other elective or appointed office in the County.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-5 ORGANIZATION OF BOARD.

The Board shall meet annually each January on a date specified for regular monthly meetings in the County and elect a Chairperson and any other officers, who shall serve one year or until a successor is chosen, whichever is longer.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-6 MEETINGS OF BOARD.

The Board shall hold regular meetings once each month in offices of the County if there is some official business to come before the Board. Special meetings may be called by the Chairperson or any three members upon giving written notice fixing the time and place of the meeting at least two days in advance of the special meeting. Four appointed members of the Board shall constitute a quorum for the transaction of all business.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-7 RECORD OF PROCEEDINGS.

The Board shall create a summary record of its proceedings which shall be maintained in the offices of the County Planning and Zoning Department and be available as a public record.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-8 REGISTRY OF LISTINGS.

The Board shall maintain a registry of all persons, partnerships, corporations, and other entities which apply for and receive listing as a listed contractor.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-9 QUALIFICATIONS TO BE LISTED.

(A) A person, partnership, corporation, or other entity shall be entitled to receive a listing as contractor if the following requirements are met:
(1) An application form indicating the name, address, and legal business status of the contractor has been submitted to the Department of Planning and Zoning of the County;

(2) The listing fee specified in § 25-4-1-2 of this chapter has been paid;
(3) A surety bond meeting the requirements of § 25-4-1-10 has been posted;
(4) The person, partnership, corporation, other entity or any principal, partner, owner, or officer thereof, does not have a listing issued under this chapter currently suspended nor has such a listing been revoked within the preceding 365 days; and
(5) The partnership does not have a partner or the corporation does not have an officer who, within the preceding 365 days, served as a partner in a partnership, an officer in a corporation, or an owner or principal of any entity listed under this chapter at the time when actions related to policies or practices of the partnership or corporation occurred which provided a basis on which the listing of the partnership, corporation, or entity was revoked or suspended for more than 180 days.

(B) Unless these requirements are met, a person, partnership, corporation, or other entity shall not be entitled to be listed as a contractor. No prerequisites other than those contained in this section shall be imposed in determining which persons, partnership, corporations, or other entities may be listed contractors.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-10 BOND.

(A) Before a listing is issued to any person, partnership, or corporation, the Director shall require the applicant to file a surety bond in the amount of $20,000.
(B) The bond shall be maintained in full force and effect for a period of not less than one year.
(C) The bond shall set forth the name, phone number, and address of the agent representing the bonding company and shall be:
(1) Issued by a surety authorized to do business in the state;
(2) Payable to the County or an unknown third party as obligee; and
(3) Conditioned upon:
(a) Compliance with requirements set forth in this chapter which must be met to retain listing;
(b) Prompt payment of all fees owed to the County as set forth in this chapter;
(c) Prompt payment to the County for any loss or expense for damages to property of the County caused by any action of the contractor, his or her agents, employees, principals, subcontractors, materialmen, or suppliers in violation of requirements of State statute, County regulations, or this Code, which requirement must be met to properly carry

out construction activity, a land alteration, while engaged in any construction activity, land alteration, sewer work, or excavation work;

(d) Prompt payment to a person, partnership, or corporation which is an unknown third party obligee for any:

1. Losses arising out of violations;
2. Expenses necessary to correct violations; and
3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violation of regulation of this Code, which requirements must be met to properly carry out construction activity, a land alteration, sewer work, or excavation work on property of the unknown third party obligee, caused by any action of the contractor, his or her agents, employees, principals, subcontractors, materialmen, or suppliers while engaged in any construction activity, land alteration, or sewer work. However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless the conduct or improper workmanship violates requirements of the State statute, County regulation, or this Code, which requirement must be met to properly carry out construction activity, land alteration, sewer work, or excavation work.

(e) The Director may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of $20,000 if the County Board of Commissioners approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the County and an unknown third party as the protection afforded by a surety bond; and

(f) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to $20,000. A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit or if a written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit. The surety or financial institution

shall pro-rate payment according to the amount of the claims.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-11 APPROVAL FOR LISTING.

Approval of a person, partnership, or corporation as a listed contractor shall be by the Director acting on behalf of the Board. The listing shall be in effect for a one-year period. No listing shall be issued by the Director to any person, partnership, or corporation except as provided in this section.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-12 LISTING PERSONAL; NOT TRANSFERABLE.

No listing issued under the provisions of this chapter shall be assigned or transferred.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-13 SUSPENSIONS OR REVOCATION OF LISTING FOR A PERSON.

The Board may, pursuant to § 25-4-1-15, suspend the listing of a person for a period of up to 365 days or revoke the listing of a person if one of the following is shown:

(A) The listed contractor made any materially false statement of fact on his or her application for listing;

(B) The listed contractor failed to post and maintain the surety bond and required by § 25-4-1-10;

(C) Construction activity, land alteration, sewer work, or excavation work for which the listed contractor was responsible as obtainer or as transferee of the permit, was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of the state law, regulations of the County, or provisions of this Code;

(D) The listed contractor failed to correct a violation of building standards and procedures, provisions of State law, regulations of the County, or provision of the Code, relative to construction activity, land alteration, sewer work, or excavation work, for which the listed contractor was responsible as permit obtainer or permit transferee after an authorized official or employee of the County issued a notice of Code violation, revoked a permit, or issued a stop-work order and the violations causing any of these actions remained uncorrected for a period of 10 days from the date when the listed contractor received notice of the Code violation, revocation of permit, or stop-work order, or in the instance where a period of 10 days was not sufficient, the longer period of time as was fixed by the authorized official or employee in writing;

(E) The listed contractor has consistently failed to apply for or obtain required permits for construction activity, land alteration, sewer work, or excavation work accomplished by the listed contractor;

(F) The listed contractor has consistently failed to timely file certificates of completion and compliance, as required, for construction activity accomplished pursuant to his or her listing;

(G) The listed contractor consistently failed to give notice of availability for inspection at designated stages of construction activity or sewer work;

(H) The listed contractor has attempted to conceal violations of building standards and procedures, provisions of State law, regulations of the County, or provisions of this Code relative to construction activity, land alteration, sewer work, or excavation work; and/or

(I) The listed contractor has not properly paid the fee specified by § 25-4-1-2 above for a listing which has been issued, or is delinquent in other fees owed pursuant to this Code.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-14 SUSPENSION OR REVOCATION OF LISTING FOR PARTNERSHIP OR CORPORATION.

The Board may, pursuant to § 25-4-1-15, suspend the listing of a partnership or corporation for a period of up to 365 days or revoke the listing of a partnership or corporation if one of the following is shown:

(A) A materially false statement of fact was placed on the listed contractor's application for listing by an agent of the listed contractor;

(B) The listed contractor failed to post and maintain the surety bond and insurance required by § 25-4-1-10;

(C) Construction activity, land alteration, sewer work, driveway work, or excavation work for which the listed contractor was responsible as obtainer or as transferee of the permit was performed either incompetently or in such manner that it does not comply with building standards and procedures, provisions of State law, regulations of the County, or provisions of this Code;

(D) The listed contractor failed to correct a violation of building standards and procedures, provisions of State law, regulations of the County, or provisions of this Code relative to construction activity, land alteration, or sewer work for which the listed contractor was responsible as permit obtainer or transferee after an authorized official or employee of the County issued a notice of Code violation, revoked a permit, or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of 10 days from the date when the listed contractor received notice of the Code violation, revocation of permit, or stop-work order, or in the instance where a period of 10 days was not sufficient, the longer period of time was fixed by the authorized official or employee in writing;

(E) The listed contractor has consistently failed to apply for or obtain required permits for construction activity, land alteration, sewer work, or excavation work accomplished by the listed contractor;

(F) The listed contractor has consistently failed to give notice of availability for inspection at designated stages of construction activity or sewer work;

(G) The listed contractor has consistently failed to timely file certificates of completion and compliance, as required, for construction activity accomplished pursuant to his or her listing;

(H) The listed contractor has not properly paid the fee specified by § 25-4-1-2 for a listing which has been issued, or is delinquent in other fees owed pursuant to this Code;

(I) The partnership presently has a partner or the corporation presently has an officer who has a listing under this chapter currently suspended or who has had the listing revoked within the preceding 365 days;

(J) The partnership presently has a partner or the corporation presently has an officer who, within the preceding 365 days, served as a partner in a partnership or an office in a corporation listed under this chapter at the time when actions related to policies or practices of the partnership or corporation occurred which provided a basis on which the listing of the partnership or corporation was revoked or suspended for more than 180 days; and

(K) The listed contractor has attempted to conceal violations of the building standards and procedures, provisions of State law, regulations of the County, or provisions of this Code relative to construction activity, land alteration, sewer work, driveway work, or excavation work;

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-15 HEARING AND APPEAL.

(A) The date and place for a revocation or suspension hearing shall be fixed by the Board. At least 10 days before the date a written copy of the charges, prepared by the County, and notice of the time and place of the hearing thereon shall be served upon the listed contractor, either by hand delivery to the listed contractor or to the partner of a listed contractor or officer of a listed contractor, or by certified mail with return receipt addressed to the listed contractor at its main place of business as shown by the listed contractor's application for listing. The 10 or more days shall run from the date the notice is mailed as shown by the post mark thereon.

(B) The listed contractor may appear in person or by counsel, produce evidence (including testimonial and documentation evidence), make argument, and cross-examine witnesses at the hearing. The County shall have the same right. The Board may cause or allow any other relevant evidence to be introduced. On the basis of the evidence presented at the hearing, the Board shall make findings and enter an order in accordance with the findings, which shall not become effective until 10 days after

notice and copy thereof has been served upon the listed contractor, in the same manner required for notice of the hearing.

(C) On or before 10 days after service of the order, the listed contractor may appeal therefrom to the County Board of Commissioners by serving a notice of appeal upon the Commissioners either in person or by filing it at their office, with a copy thereof delivered to the Board at the office to the Director who shall deliver the copy to the Board. Unless the appeal is so taken, the order of the Board shall be final.

(D) If so appealed, the order of the Board shall be stayed until the appeal is heard and determined by the County Board of Commissioners. The Commissioners shall thereupon render the decision as they find justified and sustained by the evidence, either affirming, reversing, or modifying the terms of the order of the Board. The Commissioners' order shall be final and conclusive and shall be binding upon both the listed contractor and the Board.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-16 IMPROPER DISPLAY.

It shall be unlawful for any person, partnership, or corporation accomplishing construction activity, land alteration, sewer work, or driveway work to use the word "listed" in connection with its business if the person, partnership, or corporation is not a listed contractor. Such a person, partnership, or corporation shall not, for example, use the word "listed" on any display used for advertising or identification or on any of its business forms.

(Ord. 95-24, passed 8-21-1995)

ARTICLE 5: ALCOHOL SALE

Section

Chapter 1: General Provisions

25-5-1-1 Title
25-5-1-2 Findings and purpose
25-5-1-3 Definitions
25-5-1-4 Prohibition; sale; public facilities
25-5-1-5 Penalties

CHAPTER 1: GENERAL PROVISIONS

§ 25-5-1-1 TITLE.

This chapter shall be known as the "Alcohol Sale Ordinance of Johnson County, Indiana."
(Ord. 99-8, passed 6-1-1999)

§ 25-5-1-2 FINDINGS AND PURPOSE.

(A) The regulation of alcoholic beverage sales upon property and within structures under the jurisdiction of the County Board of Commissioners is necessary to protect the health, welfare, comfort, and environment of our citizens; and

(B) Accordingly, the purpose of this chapter is to protect the public health and welfare by prohibiting and/or regulating the sale of alcoholic beverages in certain facilities or on certain property owned or leased by the County.
(Ord. 2014-5, passed 7-14-2014)

§ 25-5-1-3 DEFINITIONS.

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

ALCOHOL. The compound C_2H_5OH, known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE. A liquid or solid which is, or contains, alcohol and which is fit for human consumption and which is reasonably likely, or intended, to be used as a beverage.

SALE OF ALCOHOL. Includes the commercial sale, barter, transfer, or exchange of alcohol or an alcoholic beverage.
(Ord. 99-8, passed 6-1-1999)

§ 25-5-1-4 PROHIBITION; SALE; PUBLIC FACILITIES.

(A) Except as designated below, the sale of alcoholic beverages shall be prohibited:

(1) Upon any land or property or within any structure owned by the County;

(2) Upon any land or property or within any structure leased by the County, providing that this prohibition shall apply only to those areas actually being leased by the County; and

(3) Polling places.

(B) Notwithstanding Subsection (A), a person or entity may sell beer and/or wine upon the real estate known as the Johnson County Park and Hoosier Horse Park, 2949 East North Street, Edinburgh, Indiana 46124 near Camp Atterbury, Indiana so long as a person or entity seeking to sell beer and/or wine at any specified event at the Park shall:

(1) have received a temporary beer/wine permit from the State of Indiana, and/or carries the requisite festival permit or liquor caterer license from the State of Indiana, as applicable; and

(2) submit a written request, approved by the Johnson County Parks and Recreation Department, to the Johnson County Parks Board seeking approval to sell beer and wine during a designated event; and

(3) agree to comply with any and all conditions imposed by the Johnson County Parks and Recreation Department, Johnson County Parks Board, and Johnson County Board of Commissioners in connection with the sale of beer and wine at such event. Such conditions shall include, but are not limited to, implementation of a Safety and Security Plan, compliance with Johnson County liability insurance requirements, indemnification agreement, and a Johnson County permit fee.

In addition to the penalties set forth in § 25-5-1-5, failure to comply with this subsection may result in event cancellation, forfeiture of rental deposit, and/or refusal to grant future permit requests.

(C) Notwithstanding Subsection (A), a person or entity may sell liquor, beer and/or wine upon the real estate known as Independence Park, 2100 South Morgantown Road, Greenwood, Indiana, so long as a person or entity seeking to sell liquor, beer and/or wine at any specified event at the Park shall:

(1) have received a temporary beer/wine permit from the State of Indiana; and/or carries the requisite festival permit or liquor caterer license from the State of Indiana, as applicable; and

(2) submit a written request, approved by the Johnson County Parks and Recreation Department, to the Johnson County Parks Board seeking approval to sell liquor, beer and/or wine during a designated event; and

(3) agree to comply with any and all conditions imposed by the Johnson County Parks and Recreation Department, Johnson

County Parks Board, and Johnson County Board of Commissioners in connection with the sale of liquor, beer and/or wine at such event. Such conditions shall include, but are not limited to, implementation of a Safety and Security Plan, compliance with Johnson County liability insurance requirements, indemnification agreement, and a Johnson County permit fee.

In addition to the penalties set forth in § 25-5-1-5, failure to comply with this subsection may result in event cancellation, forfeiture of rental deposit, and/or refusal to grant future permit requests.

(D) Notwithstanding Subsection (A), a person or entity may sell beer and/or wine upon the real estate known as the Johnson County 4-H Fairgrounds, 250 Fairground Street, Franklin, Indiana 46131so long as a person or entity seeking to sell beer and/or wine at any specified event at the Fairgrounds shall:

(1) have received a temporary beer/wine permit from the State of Indiana, and/or carries the requisite festival permit or liquor caterer license from the State of Indiana, as applicable; and

(2) submit a written request, approved by a designated Johnson County Fair Board Committee, to the Johnson County Fair Board seeking approval to sell beer and wine during a designated event; and

(3) agree to comply with any and all conditions imposed by the Johnson County Fair Board and Johnson County Board of Commissioners in connection with the sale of beer and wine at such event. Such conditions shall include, but are not limited to, implementation of a Safety and Security Plan, compliance with Johnson County liability insurance requirements, indemnification agreement, and a Johnson County permit fee.

Events at which beer or wine are sold shall not occur concurrently with 4-H activities.

In addition to the penalties set forth in § 25-5-1-5, failure to comply with this subsection may result in event cancellation, forfeiture of rental deposit, and/or refusal to grant future permit requests.

(Ord. 2014-5, passed 7-14-2014; amended by Ord. 2016-03, passed 4-11-2016; amended by Ord. 2021-O-3, passed 2-8-2021; amended by Ord. 2022-o-15, passed 08-08-2022).

§ 25-5-1-5 PENALTIES.

Persons violating the provisions of this chapter shall be subject to the penalty imposed for a Class C infraction, as set forth in I.C. § 34-28-5-4. Accordingly, this chapter shall be enforced by the provisions of I.C. § 34-28-5.
(Ord. 99-8, passed 6-1-1999; amended by Ord. 2016-03, passed 4-11-2016.)

ARTICLE 6: TATTOO PARLORS; BODY PIERCING

Section

Chapter 1: Minimum Standards
25-6-1-1 General provisions
25-6-1-2 Work Environment
25-6-1-3 Equipment & Jewelry

Chapter 2: Licensing & Permits
25-6-2-1 License and License Fees
25-6-2-2 Permits

Chapter 3: Prohibited Acts
25-6-3-1 Prohibited Acts

Chapter 4: Inspections; Permit Suspensions & Revocations; Appeals
25-6-4-1 Inspection
25-6-4-2 Permit Suspension & Revocations
25-6-4-3 Appeals

CHAPTER 1: MINIMUM STANDARDS

§ 25-6-1-1 GENERAL PROVISIONS.

(A) Tattoo parlors and body piercing facilities shall be operated in accordance with this chapter and 410 I.A.C. 1-5, or any successor provisions, and as the same is amended hereafter.

(B) Operators shall require all tattoo artists and/or body piercers to show proof of having received the hepatitis B vaccination or proof of having declined the vaccination by signing a waiver.

(C) Artists and operators must:

(1) Ensure that the skin area before a procedure is cleaned with germicidal soup, rinsed with water, and disinfected with antiseptic solution;

(2) Protect the tattooed area after a procedure by:

(a) applying germicidal solution;

(b) antibacterial ointment; and

(c) either a sterile non-adhesive bandage or product specifically made for new tattoos and approved by the Health Officer..

(3) Provide each patron or legal guardian (if patron is less than eighteen (18) years of age), verbal and written guidelines for the after-care of the tattoo or body piercing. The written guidelines shall:

(a) Provide guidelines to the patron regarding methods for proper cleansing, side effects, activity restrictions, infection prevention (such as the use of bactericidal creams and ointments, soap, and appropriate barrier dressings where indicated);

(b) Advise the patron to consult with a physician or dentist as appropriate at any indication of infection (e.g. fever, pus-like drainage, or pain at the site);

(c) Contain the name, address, and phone number of the facility from which the tattoo or body piercing was received.

(D) Maintain records for each patron that are signed and dated by both artist and patron indicating that the written guidelines were reviewed and written copy provided to the patron. Artists and operators may use saran wrap to cover the tattooed area if the artist, operator, or patron needs to take a fifteen (15) minute break.

(E) Artists shall keep and maintain the following records of all patrons for two (2) years:

(1) Photo Identification;

(2) Age of Patron; and

(3) Signed acknowledgment of receipt of written guidelines referenced under § 25-6-1-1(C)(2).

(F) Failure by artist to produce all patron records for the preceding two (2) year period upon request of the County Health Department will result in a twenty-five dollar ($25.00) fine.

(Ord. 2005-24, passed 8-29-2005; amended by Ord. 2018-O-3, passed 7-9-2018; amended by Ord. 2022-O-23, passed 10-24-2022.)

§ 25-6-1-2 WORK ENVIRONMENT.

(A) Restroom facilities shall be available to employees at all times the tattoo parlor and/or body piercing facility is open for operation and be located within the same physical structure. The restroom facilities shall be equipped with a toilet, toilet paper, hand sink supplied with hot and cold running water from an approved water source, soap, and single use towels.

(B) All tattoo parlors and/or body piercing facilities shall have hand-washing facilities in each tattooing and/or body piercing station These handsinks shall also be supplied with running water under pressure at a minimum temperature of 100 degrees Fahrenheit, liquid antibacterial soap, single use paper towels, and a waste receptacle.

(C) All tattoo parlors and/or body piercing facilities shall be well-ventilated and provided with an artificial light source equivalent to at least 20 foot candles three feet off the floor, except that at least 100 foot candles shall be provided at the level where the tattooing or body piercing is being performed and where instruments and sharps are assembled.

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

(E) Operators shall keep disinfection and sterilization equipment in an area that is not accessible to the public.

(F) Food is not permitted in any tattooing and/or body piercing stations.

(G) Liquids for drinking may be allowed in a tattooing and/or body piercing station so long as the liquid is in a closed container such that spills cannot occur if the container is tipped over, and the container must be placed on the floor or on a designated area that does not need to be sanitized. However, no liquids for drinking of any kind may be kept in areas where there is a reasonably anticipated risk of exposure to blood or other potentially infectious materials.

(H) Tattoo Parlors and/or body piercing facilities shall be maintained in good repair.

(I) Tattoo Parlors and/or body piercing facilities shall be cleaned as often as necessary to keep them clean. This requirement does not apply to cleaning that is necessary due to a spill or other accident.

(J) Operators shall have all disinfection and sterilization equipment tested by an approved independent laboratory on a monthly basis. Operators shall provide test results to the Health Officer on a monthly basis. Operators are subject to a fifty ($50) dollar fine if the Health Officer does not receive test results by the 21st day of the month.

(Ord. 2022-O-23, passed 10-24-2022.)

§ 25-6-1-3 EQUIPMENT & JEWELRY.

(A) All insertable jewelry is to be sterilized and kept in an individual, sterile, and closed container or package.

(B) All jewelry placed in new piercings must be made of one of the following:

1. Solid 14k (or higher) white or yellow nickel-free gold;
2. Surgical implant stainless steel, CrNMo 316LVM, ASTM F-138;
3. Niobium;
4. Surgical implant grades of titanium;
5. Solid platinum; or
6. Inert plastics

(C) Jewelry must have a mirror finish and be free of nicks, scratches, burns, and polish compounds.

(D) Mill certificates from the manufacturer or an independent assay must be available to prove material compositions.

(Ord. 2022-O-23, passed 10-24-2022.)

CHAPTER 2: LICENSING & PERMITS

§ 25-6-2-1 LICENSE AND LICENSE FEES.

(A) License fees will be charged according to Johnson County Ordinance § 16-1-1-2.

(B) Every person, with the exception of § 25-6-2-1(C), that desires to perform any tattoo or body piercing activities shall, before doing so:

1. obtain a "A Tattoo/Body Piercing Artist License" from the Johnson County Department of Health;

2. Receive the necessary training; and

3. Be subject to inspection as set forth herein

(C) In the event of a Tattoo and Body Piercing Facility is a sole proprietorship and the owner shall also perform tattooing or body piercing for their business, the owner shall only be required to obtain a facility permit as described in § 25-6-2-2.

(D) No person, in an effort to advertise or solicit business with the intent to perform tattoo or body piercing activities, use or assume the title of tattooist or body piercer, designate or represent themselves to be a tattooist or body piercer unless he or she has first obtained a permit from the Johnson County Department of Health.

(E) The license shall be posted where the tattoos or body piercing activities are performed and shall be clearly visible to the public.

(F) Facilities that open without first obtaining a license are subject to a doubling of the annual license fee.

(G) Temporary or mobile tattoo parlors and/or body piercing facilities shall be prohibited from obtaining a license. Persons violating this section of the ordinance are subject to a $2,000 fine.

(H) A license issued under this article may not be transferred to another person or another location. No refund will be granted for any unexpired period of the license.

(I) In the event that an establishment is cited for a violation of a specific item as specified in 410 I.A.C. 1-5 and/or, this chapter, or any successor provisions, and as amended hereafter; the establishment is subject to a fine of $100.

(J) A license under § 25-6-2-1(B) expires December 31 of each year.

(Ord. 2022-O-23, passed 10-24-2022.)

§ 25-6-2-2 PERMITS.

(A) Facility Permit fees will be charged according to Johnson County Ordinance § 16-1-1-2.

(B) No person may operate a tattoo parlor and/or body piercing facility without first obtaining a Facility Permit.

(C) The permit shall provide the name and address of the owner of the business and the name and address of each tattoo artist and body piercer located at each location. The permit shall not be transferable. The permit expires on December 31 of each year.

(Ord. 2022-O-23, passed 10-24-2022.)

CHAPTER 3: PROHIBITED ACTS

§ 25-6-3-1 PROHIBITED ACTS.

(A) The following activities are strictly prohibited:

1. Branding, as defined as a form of extreme body modification and scarification using a super-heated metal object, chemical, or electricity to burn an image onto the human body;

2. Cutting, as defined as a method of extreme body modification and scarification which creates scars on the skin by using a sharp object, such as a scalpel or knife, to cut into the skin;

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

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

5. Nullification, as defined as the voluntary removal of body parts such as but not limited to castration or amputation;

6. Scarification, as defined as an extreme body modification that uses methods or techniques to produce scars on the human body for decorative purposes;

7. Skin peeling, as defined as an extreme body modification and scarification which consists of cutting on the human body the outline of a design and removing the center, thereby creating a scar where the skin was removed;

8. Suspension Piercing, as defined as the act of hanging the human body from or partially from hooks pierced through the flesh in various places around the body;

9. Tongue Bifurcation, as defined as a non-surgical process in which the tongue is split with the use of lasers or nylon material;

10. Tongue Splitting; as defined as a surgical procedure in which the tongue is cut centrally from its tip part of the way to its base; and

11. Piercing that goes through the tongue horizontally.

(Ord. 2022-O-23, passed 10-24-2022.)

CHAPTER 4: INSPECTIONS; PERMIT SUSPENSION & REVOCATIONS; APPEALS

§ 25-6-4-1 INSPECTION.

(A) The Johnson County Department of Health shall conduct inspections of each Facility located in Johnson County. The Johnson County Health Department shall conduct a minimum of two (2) inspections per year for fixed Facilities. Additional inspections may be conducted by the Johnson County Department of Health as it determines necessary and/or in response to complaints submitted.

(B) The results of the inspections shall be provided to each operator in written form (electronic or hard copy).

(C) Violations noted by the Johnson County Department of Health shall be corrected immediately or within the timeframe set forth on the inspection report. The Johnson County Department of Health shall conduct follow-up inspections to determine compliance with this ordinance as deemed necessary.

(D) The Johnson County Department of Health may waive any fees or fines as it deems necessary or appropriate.

(Ord. 2022-O-23, passed 10-24-2022.)

§ 25-6-4-2 PERMIT SUSPENSION & REVOCATIONS.

(A) Closure of tattoo parlors and body piercing facilities:

(a) (1) Tattoo parlors and body piercing facilities may be closed when any of the following occur: Unsanitary or other conditions which in the County Health Officer's opinion may endanger the public's health;

(b) Untimely reporting of test results;

(c) Proper hand-washing sink not provided at each station;

(d) Conditions that present an imminent threat to public health or the transmission of communicable disease; or

(e) Three or more occurrences of the conditions described in this chapter within a twelve (12) month period.

(B) The Health Officer may post a sign notifying the public that the facility has been closed. It is a violation of this chapter for any person other than the Health Officer to remove this sign.

(C) The Johnson County Department of Health Director may order the suspension or revocation of any permit issued under Chapter 2, which order shall include the prohibition of any further operation for the following reasons:

(1) Interference with the Johnson County Department of Health Director, or his/her authorized representatives, in the performance of their duties. Interference shall be defined as the process of obstructing, hampering, blocking, physically or verbally threatening, or utilizing profanities toward the Johnson County Department of Health Director or his/her authorized representatives during the performance of their duties; or

(2) As a result of the willful and or continuous violation of any provision of this Ordinance.

(Ord. 2022-O-23, passed 10-24-2022.)

§ 25-6-4-3 APPEALS.

(A) The holder of a permit or license, as described under Chapter 2, subject to the fine may appeal by requesting in writing a hearing with the Director of the Environmental Health Division of the Johnson County Health Department, so long as the written request for said hearing is received by the Johnson County Health Department within ten (10) days of the date of

the inspection report which resulted in the assessment of the fine. A hearing shall be held, if practicable, within twenty (20) days thereafter. If the holder of a permit desires to appeal to the Johnson County Health Officer, within ten (10) days of the written decision of the Director of the Environmental Health Division, a hearing shall be held, if practicable, within twenty (20) days of receipt of the request. The time frame for the payment of any fine is suspended for the period of time from the date of the first timely written request for appeal until the date of the final decision. In the event that the holder of the permit fails to make a written request for appeal in a timely manner as stated herein, all rights to further appeal are waived and the fine shall stand as the final decision of the Johnson County Health Department. Any further appeals shall be according to the statutes pertaining to the appeal of a final order from an administrative body and must meet the statutory time constraints for an appeal. The hearings set out above shall be conducted by the head of the Environmental Health Division and/or the Johnson County Health Officer, respectively, and shall not be subject to the formal rules of evidence.

(B) The Johnson County Health Department may pursue the establishment of the collection of the fines in any court of competent jurisdiction in Johnson County, Indiana, and shall be entitled to an award for attorney fees, costs of collection, and other expenses incurred in the inspection process and collection of the fines in question.

(C) The Johnson County Health Department through its environmental health specialists, sanitarians, the Director of the Environmental Health Division, and the Johnson County Health Officer have the authority and discretion to fully or partially waive fines and penalties as they deem appropriate based upon the past performance of the establishment, the nature and number of the "non-critical" failures, the efforts at correction, and such other circumstances as they deem fit and appropriate in determining whether or not the fines should be pursued for the violations indicated. The failure to assess a fine or penalty, or a waiver of a fine or penalty, shall not be considered or operate as a waiver as to any future violation.

(Ord. 2022-O-23, passed 10-24-2022.)

ARTICLE 7: SOCIAL GATHERING PERMITS AND LICENSES

Section

Chapter 1: Permit or License Required

25-7-1-1 Permit or License Required
25-7-1-2 Exemptions

Chapter 2: Application for Permit or License
25-7-2-1 Application for Permit or License

Chapter 3: Liability Insurance
25-7-3-1 Insurance
25-7-3-2 Filing of Certification of Insurance
25-7-3-3 Minimum Coverage

Chapter 4: Denial, Grounds
25-7-4-1 Age Minimum
25-7-4-2 Felony Conviction
25-7-4-3 Complete Application
25-7-4-4 Other Grounds for Denial

Chapter 5: Scope of Permit and License
25-7-5-1 Scope of Permit
25-7-5-2 Scope of License

Chapter 6: Hours of Social Gatherings
25-7-6-1 Hours of Social Gatherings

Chapter 7: Fees
25-7-7-1 Allowance of Fees
25-7-7-2 Fee Structure
25-7-7-3 Authority to Set Fees

Chapter 8: Failure to Obtain a Permit
25-7-8-1 Failure to Obtain a Permit

Chapter 9: Violation of License or Permit Terms
25-7-9-1 Violation of License or Permit Terms

CHAPTER 1: PERMIT OR LICENSE REQUIRED

§ 25-7-1-1 PERMIT OR LICENSE REQUIRED

No person shall hold a social gathering or function where music is performed live or reproduced by any type of electronic or mechanical device, without first obtaining a social gathering permit or annual social gathering license.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-1-2 EXEMPTIONS

(A) For the purposes of this section, the terms fraternal organization and bona fide clubs shall mean an association:

(1) With more than fifty (50) members that owns, maintains, or operates club quarters within Johnson County;

(2) That is authorized and incorporated to operate as a nonprofit club under Indiana law;

(3) That has been continuously incorporated and operating for a period of not less than one (1) year; and

(4) That has not been primarily formed or activated to evade the provisions of this Article;

(B) The permit or annual license required by this Article shall not be required under the following circumstances:

(1) For a social gathering held by a fraternal, educational, government, charitable, or religious organization or a bona fide club, as long as:

(a) the function is not open to the general public and admission to the social gathering is limited to members and invited guests;

(b) the social gathering is controlled exclusively by the fraternal, educational, governmental, charitable, or religious organization or bona fide club; and

(c) after payment of expenses, all of the proceeds collected go directly to charitable or welfare purposes or directly into the treasury of such institutions, organizations, or schools.

(2) For a social gathering that is not advertised in any manner and not open to the general public, and for which there is no admission fee or cover charge;

(3) For a person who holds a one-year or two-year permit for the sale of alcoholic beverages and who holds a social gathering on the licensed premises and where entry is limited to persons who are twenty-one (21) years of age or older;

(4) For a social gathering involving dancing that is performed as an exhibition or theatrical production, or part thereof, for the entertainment or benefit of an audience which is not expected or encouraged to participate in the social gathering;

(5) For any function involving a recognized school or class, the purpose of which is to teach dancing; or

(6) For every person who holds a hotel license and the hotel licensee holds a social gathering on the premises.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 2: APPLICATION FOR PERMIT OR LICENSE

§ 25-7-2-1 APPLICATION FOR PERMIT OR LICENSE

Applicants for a license under this Article shall file with the County Auditor at least three (3) business days prior to the requested time of the social gathering a sworn application on a form provided by the County Auditor that shall give the following information:

(A) The name, mailing address, and telephone number of the applicant, and the names and addresses of all partners if a partnership, all officers of a corporation, and all other persons who will be associated in the operation of the business, including, but not limited to, the name, date of birth, mailing address, and telephone number of the person or persons who will be present for the duration of the social gathering and who will be responsible for managing the social gathering;

(B) The applicant's retail merchant certificate number, federal tax identification number, and alcoholic beverage permit number, if the premises are licensed for the sale of alcoholic beverages;

(C) On social gathering permit applications, the date and hours when, and address where, each social gathering will be held, and if a single application is for more than one (1) social gathering permit, it shall state the date, location, and hours of each social gathering;

(D) On annual social gathering license applications, the location, hours, and maximum number of days per month that social gatherings will be held;

(E) Whether the social gathering(s) will be open to the public, and whether there will be an admission charge, or any age or other restrictions on who may be admitted;

(F) Whether the premises on which the social gathering will be held are owned or leased for a term of one (1) year or more by the applicant;

(G) Whether the applicant, including partners in a partnership and officers of a corporation, and any person responsible for managing the social gathering, has ever been convicted of a felony or misdemeanor; and

(H) Any other information required by the Johnson County Code or deemed appropriate by the County Auditor.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 3: LIABILITY INSURANCE

§ 25-7-3-1 INSURANCE

The applicant shall procure, and maintain throughout the term of the permit or license, a policy of general premises liability insurance that names Johnson County as an "additional insured" party, and that would protect the permittee or licensee and Johnson County from any claims that may arise out of or result from the operation of the social gathering or social gatherings.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-3-2 FILING OF CERTIFICATION OF INSURANCE

The applicant shall file a certificate of insurance with the Johnson County Auditor before a permit or license can be issued.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-3-3 MINIMUM COVERAGE

The limits of liability upon any insurance required by this Article shall in no instance be less than one million dollars ($1,000,000) per occurrence.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 4: DENIAL, GROUNDS

§ 25-7-4-1 AGE MINIMUM

The County Auditor shall not issue a social gathering permit or annual social gathering license to any person who has not reached the age of twenty-one (21) years of age.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-4-2 FELONY CONVICTION

The County Auditor shall not issue a social gathering permit or annual social gathering license to any person who has been convicted of a felony.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-4-3 COMPLETE APPLICATION

The County Auditor shall not issue a social gathering permit or annual social gathering license to any person who does not complete the application and any steps required by the application in its entirety.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-4-4 OTHER GROUNDS FOR DENIAL

In addition to any other reasons stated in this Article, the County Auditor may refuse to issue a permit or license required by this Article for any of the following reasons:

(B) The application or a person named on the application has been convicted of a misdemeanor or found in violation of any law relating to alcoholic beverages, narcotics, or disorderly or immoral conduct;

(C) The applicant or a person named on the application permitted violations of law to occur at a prior social gathering held or managed by him or her, without stopping the violations or reporting them to police;

(D) Persons under the age of twenty-one (21) years will be admitted to the social gathering, and the social gathering is to be held on premises licensed for the sale of alcoholic beverages or within five hundred (500) feet, measured in any direction, of a premises licensed for the sale of alcoholic beverages; or

(E) The applicant has failed to provide all information required by this Article or has falsely provided such information.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 5: SCOPE OF PERMIT AND LICENSE

§ 25-7-5-1 SCOPE OF PERMIT

Each permit issued under this Article shall allow the permittee to hold one (1) social gathering at one (1) location for a continuous period, and a separate permit shall be required for each social gathering.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-5-2 SCOPE OF LICENSE

In lieu of obtaining separate social gathering permits pursuant to this Article, a license with a term of one (1) year may be obtained from the County Auditor. Annual social gathering licenses shall be issued for specific numbers of social gatherings per month at one (1) location. The specific number of social gatherings permitted per month under a license shall not exceed five (5). Separate social gathering permits shall be required if the annual licensee desires to hold more social gatherings in any given month than are allowed by the license.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 6: HOURS OF SOCIAL GATHERINGS

§ 25-7-6-1 HOURS OF SOCIAL GATHERINGS

Under no circumstances may any part of a permitted or licensed social gathering under this Article be held between the hours of 2:00 a.m. and 6:00 a.m. if entry is not limited to persons eighteen (18) years of age or older.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 7: FEES

§ 25-7-7-1 ALLOWANCE OF FEES

Fees shall be assessed before a permit or license under this Article may be issued, including but not limited to a license fee, permit fee, fire inspection fee, and/or local fingerprint fee. Fees collected shall be deposited into the County General Fund.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-7-2 FEE STRUCTURE

The fee structure shall consist of the following:

(A) Annual License Fee: $335.00

(B) One Day Permit: $210.00

(C) Fire Inspection: $85.00

(D) Local Fingerprint Fee: $10.00

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-7-3 AUTHORITY TO SET FEES

The Johnson County Board of Commissioners shall have the sole authority to set fees under this Article.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 8: FAILURE TO OBTAIN A PERMIT

§ 25-7-8-1 FAILURE TO OBTAIN A PERMIT

Law enforcement officials may immediately shut down any social gathering that meets the criteria for requirement of a permit or license under this Article and fails to obtain the proper permit or license.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 9: VIOLATION OF LICENSE OR PERMIT TERMS

§ 25-7-9-1 VIOLATION OF LICENSE OR PERMIT TERMS

Law enforcement officials may immediately shut down any licensed or permitted social gathering under this Article that occurs in violation of the terms of the license or permit, including but not limited to holding social gatherings outside of the permitted hours, exceeding the number of social gatherings allowed under an annual license, or misrepresenting information on an application for a license or permit under this Article.

(Ord. 2013-06, passed 4-22-2013)

TITLE 26: ECONOMIC DEVELOPMENT

Article

1. DEPARTMENT OF ECONOMIC DEVELOPMENT

ARTICLE 1: DEPARTMENT OF ECONOMIC DEVELOPMENT

Section

Chapter 1: Department of Economic Development

26-1-1-1 Creation
26-1-1-2 Appointment; terms of Commissioners
26-1-1-3 Compensation; qualifications of Commissioners
26-1-1-4 Officers; meetings; by-laws
26-1-1-5 Powers

CHAPTER 1: DEPARTMENT OF ECONOMIC DEVELOPMENT

§ 26-1-1-1 CREATION.

There is created in the County of Johnson a Department of Economic Development, pursuant to I.C. 36-7-12-1 et seq. to be known as the Johnson County Economic Development Commission.
(Ord. 83-2, passed 7-11-1983)

§ 26-1-1-2 APPOINTMENT; TERMS OF COMMISSIONERS.

(A) The Department of Economic Development shall be governed by a board of three members, to be appointed by the Board of County Commissioners of Johnson County, Indiana, as follows:
(1) One of the members so appointed shall be selected by the Board of County Commissioners of Johnson County, Indiana;
(2) One shall be selected by the County Council; and
(3) One shall be selected by the Common Council of the City of Greenwood.

(B) The Commissioners so appointed shall take office upon their appointment and their terms shall run the following number of years from February 1, 1984:
  (1) The Commissioner selected by the Common Council of the City of Greenwood, one year;
  (2) The Commissioner selected by the County Council, two years; and
  (3) The Commissioner selected by the Board of County Commissioners of Johnson County, Indiana, three years.

(C) At the expiration of the respective terms of each of the Commissioners originally appointed, their respective successors shall be selected and nominated in the same manner as the original appointee, each of which nominees shall be appointed by the Board of County Commissioners, within ten days after receiving the nomination, and each succeeding member will serve for a term of four years. In the event any person appointed as Commissioner shall fail to qualify as hereinafter provided within ten days after the mailing to him or her of the notice of his or her appointment, or if any member after qualifying shall die, resign, or vacate the office, or be removed as provided by law, a new member shall be chosen and appointed to fill the vacancy in the same manner as provided for the member in respect to whom the vacancy occurred, and the member chosen and appointed shall serve for the remainder of the vacated term.

(Ord. 83-2, passed 7-11-1983)

§ 26-1-1-3 COMPENSATION; QUALIFICATIONS OF COMMISSIONERS.

(A) The Commissioners shall receive no salaries, but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of his or her duty.

(B) The Commissioners shall receive a per diem allowance for each day of attendance at a Commission meeting, if that allowance does not exceed the per diem allowance for members of the General Assembly and is authorized by the County Council.

(C) No person shall be appointed as a Commissioner who is not a resident of the County of Johnson. If any Commissioner shall cease to qualify as a resident of the County of Johnson, his or her appointment on the Economic Development Commission Board shall thereby terminate and his or her office shall become vacant. Each Commissioner, before entering upon his or her duties, shall take and subscribe an oath of office in the usual form, to be endorsed upon the certificate of his or her appointment, which shall be promptly filed with the County Council.

(Ord. 83-2, passed 7-11-1983)

§ 26-1-1-4 OFFICERS; MEETINGS; BY-LAWS.

(A) The Economic Development Commission originally appointed shall meet within 30 days after its appointment at a time and place designated by the Board of County Commissioners of Johnson County, for the purpose of organization and shall meet to reorganize in the month of February of the succeeding year. The Commission shall elect one of its members as President, one as Vice-President, and one as Secretary, each of which shall serve from the day of his or her election until January 31 next following his or her election and until his or her successor is elected and qualified.

(B) The Commission is authorized to adopt all by-laws, rules, and regulations as it may deem necessary for the proper conduct of its proceedings, the carrying out of its duties and the safeguarding of the funds and property placed in its custody. Regular or special meetings shall be held at any time as it may determine and upon any notice as it may fix, either by resolution or in accordance with the provisions of the by-laws, rules, and regulations adopted. A majority of the Commission shall constitute a quorum and the concurrence of a majority shall be necessary to authorize any action. All records of the Commission are public records.

(Ord. 83-2, passed 7-11-1983)

§ 26-1-1-5 POWERS.

The Economic Development Commission shall have all powers, privileges, and duties as provided by I.C. 36-7-12-1 et seq. and as granted by all acts of the Indiana General Assembly heretofore or hereafter enacted, which apply to a Department of Economic Development of a county.

(Ord. 83-2, passed 7-11-1983)

TITLE 27: ELECTRONIC DEVELOPMENT

[RESERVED]

TITLE 28: COUNTY FUNDS

Article

1. FEES AND FUNDS

ARTICLE 1: FEES AND FUNDS

Section

Chapter 1: Tables of Fees and Funds
28-1-1-1 Table of funds
28-1-1-2 List of fees

CHAPTER 1: TABLES OF FEES AND FUNDS

§ 28-1-1-1 TABLE OF FUNDS.

The following table lists specific funds created by and for the County.

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Accident Report Fund	All accident fund fees shall be receipted to the Accident Report Fund as required by I.C. 9-29-11-1(b)2.	98-2	6-8-1998
Aerial Photography Fund (#396)	1. The Auditor of the County is directed to create "The Aerial Photography Fund," which shall be known as Fund #396. Further, the funds will be expended as needed by the County to pay for the costs of aerial photography in the County.	2007-05	4-16-2007
	2. The Fund shall be interest bearing, and funds and any residual shall be used by the County to assist in the payment of aerial photography upon appropriation by the County Council.		
Alternative Dispute Resolution Co-Payment Fund	1. The exclusive source of deposits into the Alternative Dispute Resolution Fund shall be the co-payments, assessment charges, and/or service charges ordered to be paid by Plan participants.	2005-09; 2007-30	--2005; 10-15-2007
	2. The expenditures from the Alternative Dispute Resolution Fund are restricted to the terms of the Plan and must be disbursed in a manner that primarily benefits those Plan participants who have the least ability to pay for private services (I.C. 33-23-6-2(c)).		
	3. The amounts remaining in the Alternative Dispute Resolution Fund shall be non-reverting at each respective year end.		
	4. The Alternative Dispute Resolution Fund shall continue in existence until rescinded by subsequent action by the Board.		
	5. Any remaining balance of the Alternative Dispute Resolution Fund at the time of its termination shall be paid into the Professional		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	Services line item of the Circuit Court and the Superior Court No. 2 on a pro-rata basis.		
American Rescue Plan Act 2021 (#8950	1. The Auditor's Office is directed to create a new non-reverting fund entitled "American Rescue Plan Act 2021" (Fund #8950) with respect to the ARPA funds. 2. Fund #8950 shall only be used for purposes set forth in Section 603(C) of the ARPA, in accordance with guidance issued by the United States Department of Treasury: a. To respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or to aid impacted industries such as tourism, travel and hospitality; b. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the [. . .] county that are performing such essential work, or by providing grants to eligible employers that eligible workers who perform essential work; c. For the provision of government services to the extent of the reduction in revenue of such [. . .] county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the [. . .] county prior to the emergency; or d. To make necessary investments in water, sewer or broadband infrastructure. 3. Monies deposited into Fund #8950 shall be appropriated by the Johnson County Council before use. 4. All expenditure of funds shall be approved by the Johnson County Board of Commissioners with any and all claims to be paid from Fund #8950. 5. The Johnson County Board of Commissioners shall establish the plan, conditions, and rules upon which the funds are to be requested and used. 6. Any unused funds shall be paid back to the United States Department of Treasury when required.	2021-O-7	5-10-2021

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	7. The Johnson County Auditor shall keep accurate and complete financial records of the receipt and expenditure of any and all funds deposited and paid from Fund #8950.		
Animal Adoption Fee Fund (#416)	All adoption fee shall be deposited into Fund #416 for payment of veterinarian services and other expenses related to animal adoption.	2008-09	3-17-2008
Animal Shelter Building Donation Fund	1. The revenue paid into the Fund shall be restricted to donations from citizens who express a desire to assist with the purchase of land and improvements to the land for the construction of a new animal shelter.	2004-06	3-22-2004
	2. The expenditures from the Fund are restricted to the following purposes; the costs associated with the location, appraisal, and purchase of land and improvements to the land for the construction of a new animal shelter.		
	3. The Fund shall be non-reverting at each respective year end and the Fund shall continue in existence until rescinded by subsequent action by the Board.		
	4. Any remaining balance of the Fund shall be paid into the Animal Shelter General Donation Fund.		
Animal Shelter General Donation Fund	1. The revenue paid into the Fund shall be restricted to donations from citizens who express a desire to assist with the purchase of items, services, and supplies for use at the County Animal Shelter.	2004-07	3-22-2004
	2. The expenditures from the Fund are restricted to the following purposes: food for animals under the care of the Shelter, litter for animals under the care of the Shelter, veterinarian services, and medicines provided to animals under the care of the Shelter, and supplies for use in the adoption activities of the Shelter.		
	3. The Fund shall be non-reverting at each respective year end and the Fund shall continue in existence until rescinded by subsequent action by the Board.		
	4. Any remaining balance of the Fund shall be paid into the County General Fund.		
Bad Check Services Fund	See § 28-1-1-2(C) below.	2005-15	6-6-2005

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Child Advocacy Donations Fund (#284)	Any moneys received by any County entity as a donation for the Child Advocacy Center shall be deposited into Fund 284 and only used for the purpose of construction, maintenance, training, and furnishing the Child Advocacy Center.	2006-8	6-26-2006
Circuit and Superior Courts	1. Non-Reverting Interpreters Funds for the Circuit and Superior Courts are established that are separate from the General Fund for each of the courts to be used exclusively for accepting and disbursing monies received from parties who use a court-appointed interpreter. The judge of said court shall specify the fee amount, which shall be applied consistently to parties requiring an interpreter. 2. The monies contained in this fund shall be received and deposited in a fund established for each court and the funds therein shall be appropriated therefrom by the Johnson County Council as provided herein. 3. This fund shall be maintained separate from all County funds, and shall be invested, with the interested earned thereon, deposited into the non-reverting fund for the respective court. 4. Monies held in the non-reverting fund of the respective court shall be withdrawn at the discretion of the judge of such court for the purpose of paying for interpreter services and costs associated therewith. 5. All property acquired from monies held in the non-reverting fund for the respective court shall be for the purpose of providing interpreter services and shall be titled in the name of the court from whose fund the money was drawn for acquisition of such property. 6. The life of each non-reverting interpreter fund created hereby shall be perpetual unless terminated by subsequent ordinance.	2010-01	7-12-2010
Community Corrections Commissary Fund	1. A Community Corrections Commissary Fund is established that is separate from the General Fund. The money in the Fund does not revert to the General Fund. If the Fund is terminated by rescission of Ord. 2000-7, any remaining balance in the Fund shall revert to the	2000-7	6-26-2000

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	General Fund.		
	2. The Executive Director of the Community Corrections Center (hereinafter "Executive Director") shall deposit all money from commissary sales and inmate telephone call commissions into the Fund. The contents of the Fund shall be kept in a depository designated under I.C. 5-13-8.		
	3. The Executive Director or his or her designee, at his or her discretion, and without appropriation may disburse money from the Fund for:		
	a. Merchandise for resale to inmates through the commissary;		
	b. Expenses of operating the commissary, including, but not limited to, facilities and equipment; and		
	c. Consistent with the rules, regulations, and statutes pertaining of the State Department of Corrections, any other purpose that benefits the Community Corrections Center or programs attendant thereto.		
	4. The Executive Director shall maintain a detailed record of the Fund's receipts and disbursements. The Executive Director shall semiannually provide a copy of this record of receipts and disbursements to the County Board of Commissioners and the County Council.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Comprehensive Plan Update Fund (#404)	1. The Auditor of the County is directed to create "The Johnson County Comprehensive Plan Update Fund," which shall be known as Fund #404. Further, the funds will be expended as needed by the County and the County Planning and Zoning Department to pay only for the costs of the County Comprehensive Plan Update.	2007-15	7-16-2007
	2. The Fund shall be interest bearing and any residual shall be paid to the County to assist only in the payment of any and all costs related to the County Comprehensive Plan Update.		
Corrections Fund	1. The County Board of Commissioners hereby elects, pursuant to I.C. 11-12-6 et seq., to	96-3; 97-2	2-5-1996; 2-10-1997

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	accept deposits from the State Department of Corrections.		
	2. The County Board of Commissioners hereby elects to receive deposits from the Department of Corrections at Level 3 funding.		
	3. The County Board of Commissioners hereby establishes a County Corrections Fund to be administered by the Commissioners which shall consist of deposits from the State Department of Corrections pursuant to I.C. 11-12-6-13.		
	4. The County Corrections Fund may be used only for funding the operations of the County jail and related jail programs or other local correctional facilities. Any money remaining in the County Corrections Fund at the end of the calendar year shall not revert to any other fund, but shall remain in the County Corrections Fund.		
County Road 600 N Repair Fund (#377)	1. The Auditor of the County shall create "The County Road 600 N Repair Fund." Further, the funds will be expended as needed by the County to pay for costs of the 600 N Road and Drainage Tile Repair as "First" Dollar Expenditures.	2005-04	2-14-2005
	2. The Fund shall be interest bearing and any residual shall be paid to the County, if the total project expense exceeds $6,141.33.		
	3. The residents' share shall not exceed $3,675, excluding any accrued interest the fund acquires, all pursuant to the attached cost estimate marked Exhibit A, attached to Ord. 2005-04.		
	4. If the total project expense is less than $6,141.33 and the residents have contributed into the Fund $3,675, excluding interest, then any amounts remaining in the Fund after payment of all project expenses shall be refunded to the residents in a pro rata manner based upon the individual resident's contribution.		
Cumulative Bridge Fund	There is established a Cumulative Bridge Fund in accordance with the provisions of I.C. 8-16-3. The fund will not exceed $0.25 on each $100 of assessed valuation.	2006-10; 2009-7	7-10-2006; 7-20-2009

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Drug Free Community Fund	1. The County Board of Commissioners and pursuant to I.C. 5-2-11-1 *et seq.* now designates that an approved political subdivision or agency for the purpose of administering the County Drug Free Community Fund is the County Citizens Against Substance Abuse.	93-2	--1993
	2. Ten percent of the funds collected under I.C. 33-37-7, pursuant to I.C. 5-2-11-5(b)(1), shall be used to provide prevention and education services in the County and 10% of the funds, pursuant to I.C. 5-2-11-5(b)(2) be used to provide treatment in the County and up to 15% of the funds collected be used to provide for education, prevention, criminal justice, or treatment services in the County. The services as indicated shall be administered by the County Citizens Against Substance Abuse.		
East Lake Lot Owners Association Fund (#431)	1. The Auditor of the County shall create "The East Lake Lot Owners Association, Inc. Fund" which shall be Fund #431. Further, the funds will be expended as needed by the County to pay for costs associated with the sponsor's 25% to or as directed by the U.S. Department of Agriculture for the repairs.	2008-19	7-21-2008
	2. The Fund shall be interest bearing and any unused balance at the completion of the sponsor's financial obligation shall be refunded to the East Lake Lot Owners Association, Inc.		
Economic Development Service Fund	See § 28-1-1-2(B) below.	2005-17	7-5-2005
Edinburgh Tower Fund (#510)	All moneys utilized from the Fund #510 must first be appropriated by the County Council.	2006-09	7-3-2006
Electronic Map Generation Fund	1. All revenue received pursuant to the fees collected for the copies of electronic maps shall be deposited with the Treasurer and credited to the Electronic Map Generation Fund as required by I.C. 5-14-3-8.5(a).	98-3	11-9-1998
	2. The Electronic Map Generation Fund is a dedicated fund to be expended only for the following purposes as set forth in I.C. 5-14-3-8.5(b)1 and (b)2:		
	a. The maintenance, upgrading, and enhancement of the electronic map; and		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	b. The reimbursement of expenses incurred by a public agency in supplying an electronic map in the form requested by a purchaser.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Emergency Telephone System Fund	1. A monthly fee per telephone access line shall be collected by the telephone service supplier in the sum of $1.95 per month commencing March 1, 2006, and continuing on a monthly basis thereafter until further action to either increase or decrease the fee, which fees shall be used for the purpose of paying for the lease, purchase, or maintenance of enhanced emergency telephone equipment including necessary computer hardware, software, and data base provisioning, to pay the rates associated with the service suppliers' enhanced emergency telephone system network services, and to provide for a reserve for uncollected fees.	3; 92-3; 97-1; 2006-02	5-8-1989; 11-9-1992; 2-10-1997; 2-1-2006
	2. Each service supplier that collects the enhanced emergency telephone fee on behalf of the County is entitled to a 3% administrative fee as compensation for collecting the fees. The remaining amount of the fee collected during the calendar quarter shall be remitted to the Johnson County Treasurer within ten days of the last day of the quarter. At the same time the collected fees are remitted, the service supplier shall provide a fee collection report to the Johnson County Treasurer, on a form provided by the Treasurer.		
	3. The Johnson County Treasurer shall deposit the remitted funds in a separate fund to be known as the Johnson County Emergency Telephone System Fund. The Johnson County Treasurer may invest the money in the fund in the same manner other moneys are invested with the interest earned from the investment to be deposited in that fund.		
	4. During January of each year, each service supplier that is required to collect the fee for the County shall provide a delinquent fee report to the Johnson County Treasurer. The report shall list the name, address, and amount due for each		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	service user who is two or more months delinquent in paying the fee. The service supplier shall also indicate the amount of delinquent fees for which each person included on the list is liable. The Johnson County Treasurer may initiate an action in any Court of competent jurisdiction to enforce the collection of the fees for which any service user is liable.		
Enhanced Access Fund	1. All revenue received pursuant to the fees imposed by GIS data internet access shall be deposited with the Treasurer and credited to the Enhanced Access Fund as required by I.C. 5-14-3-8.3.	2000-03	5-8-2000
	2. The is a dedicated fund to be expended only for the following purposes as set forth in I.C. 5-14-3-8.3(b)1 and (b)2:		
	a. The replacement, improvement, and expansion of capital expenditures; and		
	b. The reimbursement of operating expenses incurred in providing enhanced access to public information.		
Food and Beverage Fund	1. a. The Johnson County Food and Beverage Tax (the "County Food and Beverage Tax") is hereby imposed on food and beverage transactions, at the rate of 1% of the gross retail income of the food and beverage transactions occurring anywhere in the County.	2005-03	6-22-2005
	b. The County Food and Beverage Tax shall apply to food and beverage transactions occurring after the last day of the mouth succeeding the month in which this regulation is adopted.		
	2. a. Pursuant to I.C. 6-9-35-11, tax revenues from the County Food and Beverage tax (the "County tax revenues") shall be reported on forms approved by the County Treasurer.		
	b. County tax revenues shall be paid monthly to the County Treasurer not more than 20 days after the end of the month in which the County food and beverage tax is collected.		
	c. Pursuant to I.C. 6-9-35-11, the County Treasurer is responsible for collecting and enforcing the provisions of I.C. 6-2.5 with respect to the County food and beverage tax.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	3. a. There is hereby established a County Food and Beverage Tax Fund into which the County Treasurer shall deposit all County food and beverage tax revenues.		
	b. Pursuant to I.C. 6-9-35-12(a), the County Treasurer is directed to pay to the Treasurer of the state on or before the fifth day of every month 50% of the County tax revenues deposited in the County Food and Beverage Tax Fund on or before the twentieth day of the preceding month, so long as there are any current or future project obligations. In any state fiscal year, if the total amount of the tax revenues from the imposition of the food and beverage tax pursuant to I.C. 6-9-35 by all the suburban counties and paid to the Treasurer of the Capital Improvement Board or its designee equals $5,000,000, the entire remainder of the County tax revenues during that state fiscal year shall be retained by the County Treasurer or paid by the Treasurer of the state to the County Auditor, upon warrants issued by the Auditor of the state.		
	c. It is the intent of the County that County tax revenues paid to the Treasurer of the Capital Improvement Board be used solely to pay or to secure the payment of project obligations that are lease rentals or other agreements described in I.C. 6-9-35-12.		
	d. County tax revenues remaining in the County Food and Beverage Tax Fund, after making the required payments to the Treasurer of the state under subsection b. above shall be retained by the County and used for any purpose permitted under I.C. 6-9-35-14, including the pledge of County tax revenues to the payment of bonds, leases, or other obligations in accordance with I.C. 5-1-14-4.		
	4. The County Auditor, as the Clerk of this Council, shall, upon passage, immediately send a certified copy of these regulations to the Commissioner of the Department of State Revenue.		
	5. The County food and beverage tax terminates on January 1 of the year immediately		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	following the year in which the last payment required of the Capital Improvement Board for project obligations is made, for any project obligations that existed on July 1, 2006.		
Fur Ball Donation Fund (#4110)	Fund 4110 is hereby established and shall be called "The Fur Ball Donation Fund," and into such fund shall be deposited monies donated as a result of the annual gala known as the Johnson County Fur Ball, and such monies shall be used to pay for emergency medical treatment for animals coming into the Animal Shelter after suffering from neglect, illness, or injury.	2019-O-2	4-8-2019
Income Tax Special Account	1. The Johnson County Council ordains that the required County Income Tax Special Account balance be reduced from a six month balance to a three month balance within 90 days of adoption of these regulations.	96-4	4-24-1996
	2. The Johnson County Council ordains that the Johnson County Auditor be and is hereby directed to transmit a copy of these regulations to all appropriate agencies, including the budget agency, within 30 days of passage.		
Innkeeper's Tax Collection Fund (#7304)	The Johnson County Treasurer is directed to establish the Convention, Visitor, and Tourism Fund (Fund 7304 – Innkeeper's Tax Collections) in which all amounts received under Ordinance 2015-03 shall be deposited.	2015-03	10-5-2015
JC Redevelopment Commission Fund (#4112)	Fund 4112 is hereby established and shall be called "JC Redevelopment Commission Fund," and into such fund shall be deposited monies collected pursuant to Ordinance 2020-O-8, and such monies shall be used by the Johnson County Redevelopment Commission to fulfill its duties as required by law.	2020-O-12	12-21-2020
Lamb Lake Lot Owners Association Fund (#422)	1. The Auditor of the County shall create "The Lamb Lake Lot Owners Association's Fund" which shall be Fund #422. Further, the funds will be expended as needed by the County to pay for costs associated with the sponsor's 25% to or as directed by the U.S. Department of Agriculture for the repairs.	2008-18	7-14-2008
	2. The Fund shall be interest bearing and any		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	unused balance at the completion of the sponsor's financial obligation shall be refunded to the Lamb Lake Lot Owners Association.		
LaTour Memorial Fund (#4122)	Fund 4122 is hereby established and shall be called "The LaTour Memorial Fund," and into such fund shall be deposited monies received as a result of the LaTour gift, and such monies shall be used exclusively for the care and feeding of animals.	2021-O-13	9-13-2021
Law Enforcement Fund	1. There is hereby created Law Enforcement Fund. The fund shall consist of deposits in the form of voluntary surrender fees, reimbursement for restitution, and other law enforcement related fees recovered by the office of the Johnson County Prosecutor which are not required to be deposited in the County General Fund.	90-1	4-9-1990
	2. The Law Enforcement Fund shall be appropriated for funding activities recovered by I.C. 34-4-30.1 and I.C. 34-4-30.5 and liquidation of personal or real property obtained from criminal defendants.		
	3. Moneys from this fund shall be subject to appropriation in accordance with I.C. 36-2-5-2.		
	4. All money collected under this section shall be transferred to the County Auditor who shall deposit the funds and disburse as the Prosecuting Attorney directs. Any money remaining in the Fund at the end of the year does not revert to any other Fund, but continues in the Law Enforcement Fund.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
License Excise Surtax and Wheel Tax	1. Effective January 1, 2016, each passenger vehicle and truck with a declared gross weight of 11,000 pounds or less which is registered in Johnson County and subject to the annual license excise surtax, shall be subject to the surtax in the amount of twenty-five dollars ($25), which shall be paid with the registration of each such motor vehicle. Each motorcycle which is registered in Johnson County and subject to the annual license excise surtax, shall be subject to the surtax in the amount of fifteen dollars ($15), which shall be	2007-03, amended by 2012-03, as amended by 2015-02	6-11-2007; 6-11-2012; 7-30-2015

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	paid with the registration of each motorcycle. Each motor driven cycle which is registered in Johnson County and subject to the annual license excise surtax, shall be subject to the surtax in the amount of seven dollars and fifty cents ($7.50), which shall be paid with the registration of each motor driven cycle. The surtax shall be paid with the registration of each such motor vehicle. The County Treasurer shall deposit revenue received from the surtax in a fund to be known as the "Johnson County Surtax Fund" (the "Surtax Fund") and shall distribute monies on deposit in the Surtax Fund in accordance with Indiana Code 6-3.5-4.		
	2. Effective January 1, 2016, the following classes of vehicles registered in the County shall be subject to the wheel tax, as set forth below, in accordance with Indiana Code 6-3.5-5. The wheel tax shall be paid with the registrations of each such motor vehicle. The County Treasurer shall deposit revenue received from the wheel tax into a fund to be known as the "Johnson County Wheel Tax Fund" (the "Wheel Tax Fund") and shall distribute the Wheel Tax Fund in accordance with Indiana Code 6-3.5-5.		
	a. Buses - $40		
	b. Recreational vehicles - $40		
	c. Semitrailers - $40		
	d. Tractors - $40		
	e. Trailers (12,001 lbs gvw or more) - $40		
	f. Trailers (12,000 lbs gvw or less) - $15		
	g. Trucks - $40		
	3. Pursuant to the County Wheel Tax Act, a vehicle is exempt from the Wheel Tax, if it is:		
	a. Owned by the state or a state agency or a political subdivision thereof;		
	b. Subject to the surtax; or		
	c. A bus owned and operated by a religious or nonprofit youth organization and used to haul person to religious services for the benefit of its members.		
	4. These regulations may be rescinded,		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	subject to I.C. 6-3.5-4-4 and the rates set forth herein may be decreased or increased only in accordance with the Act. Moreover, these regulations shall terminate and be of no further force or effect after the sixtieth month following the effective date of June 11, 2012. Furthermore, these regulations shall be immediately rescinded by the Johnson County Council if another source of income equal to or greater is made available for use.		
North West Lake Lot Owners Association Fund (#430)	1. The Auditor of the County shall create "The North West Lake Lot Owners Association Fund" which shall be Fund #430. Further, the funds will be expended as needed by the County to pay for costs associated with the sponsor's 25% to or as directed by the U.S. Department of Agriculture for the repairs.	2008-20	7-21-2008
	2. The Fund shall be interest bearing and any unused balance at the completion of the sponsor's financial obligation shall be refunded to the North West Lake Lot Owners Association.		
Park Non-Reverting Capital Fund and Non-Reverting Operating Fund	1. There shall be a Non-Reverting Capital Fund for the Johnson County Park and Recreation Department from which fund the Johnson County Council may appropriate sums as are reasonably necessary and requested by the Park Board for the repair of facilities, renovation of facilities, construction of facilities, and other purposes as deemed appropriate by law.	96-1; 98-1; 2004-03	3-11-1996; 3-9-1998; 12-6-2004
	2. There is established a Non-Reverting Operating Fund from which appropriations may be made by the Johnson County Park Board to meet the reasonably necessary fiscal requirements of the Johnson County Park Department. The appropriations shall be made if deemed appropriate by the Johnson County Park Board.		
	3. The Johnson County Park Board and the Johnson County Park Department shall keep the Johnson County Council informed as to the amount and use of all funds expended by them from the funds.		
	4. Income generated by the Johnson County Park Department through long term leases of real estate upon which the park is located shall be		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	deposited into the Johnson County Park Non-Reverting Capital Fund.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Olive Branch Road Special Account	1. There is hereby created the Olive Branch Road Special Account which account is to be administered by the Board of County Commissioners.	88-1	11-14-1988
	2. All funds in the Olive Branch Road Special Account shall be disbursed by the Board of County Commissioners, at its discretion, for the purposes of these regulations, and with the provision that the Board not be required to follow the procedures relating to special appropriations in disbursing the funds.		
	3. For each lot in a development, for which a building permit is requested, the developer shall pay the sum of $600 to the Johnson County Plan Commission, which sum shall be deposited in the Olive Branch Road Special Account, to be utilized for the purposes of these regulations.		
	4. All interest on the money in the Olive Branch Road Special Account shall, as accrued, be deposited to the account and not to the General Fund of the County.		
	5. The Olive Branch Road Special Account shall be a revolving account, in that the funds shall continue to accumulate and remain in the account and not be returned to the General Fund of the County at the end of any calendar year.		
	6. At the discretion of the Board of County Commissioners, the Board or its designee, shall spend the money in the Olive Branch Road Special Account, including not only the $600 per lot fees paid into the account by developers as required herein, but shall also include all accrued interest earned on the account, for anything connected with the County road system at or near the intersection of Olive Branch Road and Berry Road, including, but not limited to, engineering fees relating to design and construction of improvements, right-of-way acquisition costs, legal fees, construction costs, and any expenses		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	related to the project, the expenditures not being subject to the procedure relating to special appropriations.		
	7. The Olive Branch Road Special Account shall continue until there is no longer any need for any remaining funds in the account, at which time, by declaration of the Board of County Commissioners, the remaining funds shall then at that time revert to the General Fund of the County.		
Panda Bear Memorial Fund (#4109)	Fund 4109 is hereby established and shall be called "The Panda Bear Memorial Fund," and into such fund shall be deposited monies donated in memory of Panda Bear, and such monies shall be used exclusively to assist with the adoption of hard-to-place dog breeds.	2017-O-5	7-10-2017
Professional Liability, Workers Compensation and Casualty Reserve Fund (#249)	1. The County Professional Liability, Workers Compensation, and Casualty Reserve Fund shall be a non-reverting fund.	2005-34	11-28-2005
	2. Prior to the end of each fiscal year, the County Board of Commissioners and the County Auditor shall transfer any remaining balance of unexpended appropriated funds in the Commissioners' professional liability and casualty line item 122-342.0 to the County Professional Liability, Workers Compensation, and Casualty Reserve Fund (Fund 249).		
Prosecutor's Infraction Deferral Program; User Fee Fund	1. Funding from the Infraction Deferral Program established by the Johnson County Prosecutor be appropriated, as reimbursement for the costs incurred through participation in the program, to the various governmental entities referenced herein.	92-1	5-11-1992
	2. Further, the Clerks of the various Courts in which traffic infractions are filed are hereby directed to remit all funds received through the infraction deferral program to the Auditor of Johnson County not less than monthly or more frequently as required by law. The Auditor shall, upon receipt of these funds, deposit them into the Johnson County User Fee Fund. The Auditor is herein authorized and directed to disburse from this User Fee Fund monthly based upon the following schedule:		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	a. For all moving and non-moving violations filed in a Johnson County Court, including all city and/or Town Courts - $17.50 to the Town or City Court where the infraction was filed (but not including Magistrate, Superior, or Circuit Courts), $10 to be deposited into the Johnson County Prosecutor's Office Pretrial Diversion Account.		
	b. Further, the Auditor of Johnson County shall disburse monthly all monthly user fees collected through the Infraction Deferral Program into the Johnson County Prosecutor's Office Pretrial Diversion account.		
	c. In addition to the foregoing, a further $12.50 from each initial user's fee shall be held in the Johnson County User Fee Fund for further appropriation by the Johnson County Council to law enforcement agencies participating in the infraction deferral program, the appropriate being in addition to and supplementing any existing or future annual appropriation to the law enforcement agencies from the County Council or any other appropriating entity.		
Public Defender Services Fund	1. There shall be established for each Court in Johnson County funded in whole or in part from the General Fund of the County a Fund to be known as the Supplemental Public Defender Services Fund.	96-5	11-12-1996
	2. The Clerk of Johnson County shall deposit into the account all moneys received which are collected from indigent defendants and which are court ordered reimbursements for:		
	a. Reasonable attorney's fees, if an attorney has been appointed for the person by the court; and		
	b. Costs incurred by the County as a result of court appointed legal services rendered to the person. The funds herein referenced shall be deposited, when collected, into the Supplemental Public Defender Services Fund.		
	3. The fiscal body of the County shall appropriate money from the fund to supplement and provide court appointed legal services to		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	qualified defendants.		
	4. The Supplemental Public Defender Services Fund may be used only to supplement the provision for court appointed legal services and may not be used to replace other funding of court appointed legal services.		
	5. Any money remaining in the fund at the end of the calendar year does not revert to any other fund but continues in the Supplemental Public Defender Services Fund.		
	6. The Court ordering the payment of funds as herein provided shall be responsible for the enforcement of its orders issued pursuant to these regulations and Indiana law.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Railroad Crossing Upgrade Fund (#302)	1. The Auditor of the County is directed to create "The Railroad Crossing Upgrade Fund," which shall be known as Fund #302. Further, the funds will be expended as needed by the County to pay only for the costs of upgrading railroad crossings in the County.	2007-02	3-5-2007
	2. The first project to be paid for from this Fund shall be for the upgrading and improvement of the railroad crossing on Stones Crossing Road west of Highway 135 and east of Morgantown Road in the County.		
	3. The Fund shall be interest bearing and any residual shall be paid to the County to assist only in the payment of upgrades for railroad crossings.		
Road and Street Impact Fund	The County has established a Road and Street Impact Fee Fund (the "Fund") in compliance with Ind. Code § 36-7-4-1329. Pursuant to Ind. Code § 36-7-4-1332(e), the Director of Planning and Zoning is designated as the official responsible for acting upon refund requests. In order to facilitate refunds when they may be due, the Director of Planning and Zoning is directed to identify the purpose of any Impact Fee paid in order that a refund, if any, may be paid from the Fund or account into which the fee was originally deposited.	2020-O-11	1-28-2021

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Sheriff's Deferral Fee Fund (#288)	1. The Auditor of the County is directed to create "The Johnson County Sheriff's Deferral Fee Fund," which shall be known as fund #288. Further, the funds will be expended as needed by the Sheriff upon appropriation by the County Council.	2007-03	3-19-2007
	2. The Fund shall be interest bearing and shall be a non-reverting fund.		
Sheriff's Office Equipment and Training Fund	1. There is established in the County a special non-reverting fund, to be known as the "County Sheriff's Office Equipment and Training Fund," into which shall be deposited all moneys received from unrestricted donations for the general operation of the Sheriff's Office, and from which shall only be paid the costs and expenses for the purchase, repair, and maintenance of Sheriff's Office equipment and for training of Sheriff's Office personnel.	2005-16	6-6-2005
	2. The County Sheriff's Office Equipment and Training Fund shall exist until terminated by ordinance of the County Board of Commissioners.		
Sheriff's Office Laboratory Fee Fund	1. There is established in the County a special non-reverting fund, to be known as the "County Sheriff's Office Laboratory Fee Fund," into which shall be deposited all money received by the County as a police laboratory fee from defendants who are charged with illegal drug activity and from which shall only be paid costs and expenses for the purchase, repair, and maintenance of police laboratory equipment and for training of police laboratory personnel.	2005-16	6-6-2005
	2. The County Sheriff's Office Laboratory Fee Fund shall exist until terminated by ordinance of the County Board of Commissioners.		
Sheriff's Office Seizure and Forfeiture Fund	1. There is established in the County a special non-reverting fund, to be known as the "County Sheriff's Office Seizure and Forfeiture Fund," into which shall be deposited all money received through forfeitures and seizures from illegal drug activity and all money received from the auction of the seized and forfeited property, and from which shall only be paid costs and expenses for the purchase, repair, and	99-15 2005-16	10-14-1999 6-6-2005

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	maintenance of Sheriff's Office equipment and for training of Sheriff's Office personnel.		
	2. The County Sheriff's Office Seizure and Forfeiture Fund shall exist until terminated by ordinance of the County Board of Commissioners.		
Sheriff's Sex Offender Fee Fund (#386)	1. The Auditor of the County is directed to create "The Johnson County Sheriff's Sex Offender/Violent Offender Fee Fund," which shall be known as Fund #385. Further, the funds will be expended as needed by the Sheriff upon appropriation by the County Council.	2007-10; 2007-28	7-2-2007; 9-24-2007
	2. The sex offender/violent offender registration fee for County residents only shall be $50 per annum and the sex offender/violent offender address change fee shall be $5 for each address change and job change.		
	3. The Fund shall be interest bearing and shall be a non-reverting fund.		
Short Term Disability Salary Continuation Fund (#328)	The County Auditor and County Treasurer are directed to deposit moneys withheld from employees' wages and salaries for the Salary Continuation Plan into Fund #328.	2006-03	1-30-2006
Special Revolving Account for Inspection Fees for Streets and Other Improvements	1. There is created a Special Revolving Account for inspection fees for streets and other improvements in Johnson County.	88-2; 94-1; 97-2;	12-5-1988; 3-14-1994; 7-21-1997
	2. The Board of County Commissioners shall administer the Special Revolving Account for the purpose of paying inspection fees for streets and other improvements in subdivisions.		
	3. For the purpose of determining the estimated inspection fees in a subdivision, the developer of the subdivision shall furnish construction drawings to the Johnson County Department of Planning and Zoning or other designee of the Board of County Commissioners (such as a consulting engineering firm) to be used in preparing the estimated fees.		
	4. The developer of each subdivision in Johnson County shall be responsible for paying 100% of all inspection fees required for the approval of the streets and other improvements in the subdivision belonging to the developer.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	5. Once the estimated inspection fees have been determined, the developer of a subdivision must remit payment of 90% of the estimated inspection fees to the Board of County Commissioners before the Board of County Commissioners can release the project for construction.		
	6. The developer must pay the remaining 10% of the estimated special fees or other amount as may be reflected in actual inspection fee expenses, as required by the Board of County Commissioners, by no later than the time that the streets and/or other improvements in the subdivision are offered for dedication to the Board of County Commissioners.		
	7. Any part of the estimated inspection fees paid by a developer to the Board of County Commissioners for the subdivision belonging to the developer, which are not utilized nor distributed for inspection fees for that project, shall be reimbursed to the developer *upon request*.		
	8. All interest on money in the Special Revolving Account shall, as accrued, be deposited to the account and not to the General Fund of the County.		
	9. The funds in the Special Revolving Account shall continue to accumulate and remain in the account and not be returned to the General Fund of the County at the end of any calendar year.		
	10. Funds in excess of the expenditures described herein may be used for expenses associated with development within Johnson County with approval of the County Council.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Storm Water Management Department Fund (#409)	1. The Auditor of the County is directed to created "The Johnson County Storm Water Management Department Fund," which shall be known as Fund #409. Further, the funds and fees will be expended as needed by the County and the County Storm Water Management Department to pay only for the costs of the County Storm Water Management Department and to maintain storm water run-off. Further, the funds and fees deposited into this fund will be expended as needed by the County Storm Water Management Department for administration, education, construction, maintenance, and any other purpose for the department to provide storm water management upon appropriation by County Council.	2008-03	1-28-2008
	2. The Fund shall be interest bearing and non-reverting.		
VASIA Donation Fund (#4111)	Fund 4111 is hereby established and shall be called "The VASIA Donation Fund," and into such fund shall be deposited monies donated to VASIA, and such monies shall be used to help offset the costs of emergency situations for incapacitated adults and seniors in Johnson County.	2019-O-5	9-23-2019
Voting System Reimbursement Fund	1. The County Board of Commissioners finds and declares that a separate fund and account is created for the receipt of funds from the Secretary of State and State Election Division for reimbursement of the costs associated with the purchase of a new voting system and for the improvement of the County polling places.	2003-14	9-15-2003
	2. The account that is hereby created by this Fund shall be perpetual and non-reverting.		
	3. Any moneys remaining in this Fund after all obligations regarding the purchase and implementation of the new voting system have been met shall be used to improve the administration of elections for federal office in the County.		

§ 28-1-1-2 LIST OF FEES.

The following list contains specific fees created by and for the County.

(A) *Assessor's database charge.* All sums collected from the sale of the County Assessor's "Pro Val" database shall be deposited into the County Plat Map Maintenance Fund and for that purpose upon appropriation by the County Council.

(B) *Economic development and resources.*

(1) It is hereby declared to be the policy of the Johnson County government to work in concert with other local governments and units, as well as all citizens of Johnson County, to promote and enhance the quality of life of the residents of Johnson County, by furthering the development of the economic resources of Johnson County through the attraction, retention, and creation of suitable business investment with an emphasis on manufacturing concerns that have minimal environmental impact. In connection with this effort, it is a policy of Johnson County government to take steps to improve the opportunities for job creation, foster job retention, to lessen the burden of government and to broaden the tax base through the development of the commercial business and industrial potential of Johnson County.

(2) It is the intent of the County to support economic development and the goals set forth above by providing a means to pay for services associated with the Johnson County Redevelopment Commission.

(3) There is hereby established a special "Economic Development Service Fund" (EDS Fund) which shall serve as a depository for economic development charges collected pursuant to this Ordinance. The EDS Fund shall be administered by the Auditor of Johnson County, Indiana, in accordance herewith.

(a) The special economic development charge, designated as a contribution in aid of economic development within Johnson County, shall be and is hereby established as follows for any commercial, industrial, office, or retail lot platted in the Office of the Johnson County Recorder.

Commercial	$500 plat fee
Industrial	$1,000 plat fee

(b) In addition, the special economic development charge, designated as a contribution in aid of economic development within Johnson County, shall be and hereby is established for residential development in the

sum of Seventy-Five Dollars ($75.00) per residential lot platted and recorded in the Office of the Recorder of Johnson County, Indiana. Only residential developments consisting of five (5) or more residential lots (excluding multi-family developments) are subject to said economic development charge.

(a) In addition, the special economic development charge, designated as a contribution in aid of economic development within Johnson County, shall be and is hereby established for residential multi-family development in the sum of Thirty Dollars ($30.00) per residential living unit recorded in the Office of the Johnson County Recorder.

(4)

(a) The Office of the Johnson County Auditor shall require payment of said fee at the time of recording. The Auditor shall provide receipt, evidencing payment of the economic development charge as established under this Ordinance. All revenues collected under this Ordinance as economic development charges shall be deposited in the EDS Fund to be maintained by the Auditor. All moneys deposited in the EDS Fund may be invested in accordance with the laws of the State of Indiana as applicable to county government. Any interest or other return earned upon the investment of the Fund shall become part of the Fund.

(b) On the first business day on or after each February 15 and August l following the effective date of this Ordinance, the Auditor shall transmit all of the funds held in the EDS Fund to the Johnson County Redevelopment Commission Fund to provide additional economic development services for the benefit of the County and the general welfare of its citizens.

(5) The amount of the fee may be altered or modified only by amendment of this Ordinance by the Johnson County Board of Commissioners.

(6) In the event an Economic Development Income Tax (EDIT) is adopted by the County, the Board shall re-evaluate this Ordinance and shall, within 60 days of the effective date of any ordinance establishing an EDIT tax, consider whether the proceeds realized from the economic development fee would be more appropriately dedicated for other purposes.

(7) This Ordinance shall become effective upon passage and publication as by law provided. It shall continue in full force and effect (unless sooner terminated by operation of subsection (B)(6) above) until rescinded by the County Board of Commissioners.

(C) Bad check collection program.

(1) The County Prosecutor may establish a bad check collection program whereby any person who is the payee or holder of a bad check and who intends to prosecute the issuer of the bad check under I.C. 35-43-5-5 if the check is not made good may:

(a) Authorize the Prosecutor to contact the issuer of the bad check to determine if the person wishes and intends to make the check good in accordance with I.C. 35-43-5-5(e) in lieu of prosecution;

(b) Authorize the Prosecutor to collect, on behalf of the payee or holder of the bad check, a protest and service fee in such amount as the Prosecutor may stipulate and fix on a uniform basis (which may be a fixed dollar amount or a percentage of the value of the bad check), but which may not exceed the amount permitted under I.C. 34-24-3-1; and

(c) Authorize the Prosecutor to retain all service fees collected by the Prosecutor pursuant to the foregoing subsection in consideration of the services provided to the payee or holder by the Prosecutor.

(2) The Prosecutor may waive the collection of the fee if the Prosecutor finds that probable cause for prosecution no longer exists.

(3) Upon implementation of the bad check collection program, as authorized by subsection (C)(1) above, the Prosecutor may require the check writer to remit restitution in the principal amount of any bad check along with all other fees permitted by law. Checks, for reimbursement of the principal amount of the bad check plus the protest fee, from the account may be written to the payee or holder of the bad check to whom the money is lawfully due without appropriation. All service fees collected pursuant to subsection (C)(1) above shall be regularly delivered to the County Treasurer for deposit in the Prosecutor's Bad Check Services Fund established hereinafter in subsection (C)(4) below.

(4) A Prosecutor's Bad Check Services Fund is hereby established. The purpose of the Fund is for deposits of service fees received under subsections (C)(1) and (2) above. The County Council may only appropriate moneys on deposit in the Prosecutor's Bad Check Services Fund for the purposes of the Prosecutor's Office, at the discretion of the Prosecutor, although the appropriations may be made for any purpose County moneys may lawfully be appropriated to the Prosecutor's Office and need not necessarily be limited to attributable costs of the functions and services from which the fees derive. Any money remaining in the fund at the end of the year does not revert to any other fund but continues in the Prosecutor's Bad Check Services Fund.

(5) This subsection (C) shall be in full force and effect from and after the date of adoption.

(D) Fees for providing copies of electronic maps.

Map	***Fee***
8-1/2 by 11 inches, 8-1/2 by 14 inches, or 11 by 17 inches	
Custom map	$2
Custom map with aerial photography	$4
Map from Beacon website	$0.25
Non-map prints	$0.25
Address labels (30 per page)	$0.25
Sizes larger than 11 by 17 inches	
Custom color map	$15
Custom color map with aerial photography	$18
CD ROM Disk of GIS Data for County	
Entire County	$900

(E) Fees for copies.

(1)

Service	***Fee***
8-1/2 by 11 inches	$0.50
8-1/2 by 14 inches	$0.50
11 by 17 inches	$1.00
18 by 24 inches	$2.00
Mylar copies	$5.00
18 by 24 inches certification	$1.00
Facsimile sent	$1.00 first page and $0.50 each additional page
Facsimile received	$0.50
Tax statements for mortgage companies	$2.00
Printed County maps	$3.00
Non-GIS computer generated records	$0.50 per page
Accident report videos	$50.00
Accident report photographs	$5.00 each
Accident reports	$7.00

(2) All revenue received pursuant to this subsection shall be deposited

with the Treasurer and credited to the County General Fund, except for accident fund fees which shall be receipted to the Accident Report Fund, as required by I.C. 9-29-11-1(b)2.

(F) Fees for providing enhanced access to public records.

GIS Data Internet Access	
No charge for access to base map layer	
Per month per user for access to all other layers	$50

(G) *Real Property Endorsement Fee.* The Auditor of Johnson County shall collect a fee in the amount of ten dollars ($10.00) for each legal description of each parcel for which the Auditor makes a real property endorsement, as authorized by Indiana Code, 36-2-9-18(d). The Auditor of Johnson County shall deposit all amounts received under this subsection into the Johnson County Plat Map Maintenance Fund (#1181), which shall be dedicated solely to that purpose.

(H) Mobile Home Moving and Transfer Permit Fee. A fee of $25.00 shall be charged by the Johnson County Treasurer for each mobile home moving or transfer permit issued by the Treasurer. Fees collected shall be deposited into the County general fund. The County Treasurer shall post the fee set forth in this section in a prominent place within the Treasurer's Office where the fee schedule is readily accessible to the public. The fee shall be paid at, or prior to, the time of the request. No mobile home may be moved from one location to another unless the occupier obtains a permit to move the mobile home from the Johnson County Treasurer.

(I) Coroner's Office Fee Schedule.

Service	***Fee***
Use of autopsy room, consumable goods and autopsy equipment by Indiana counties	$300.00 per autopsy
Cremation Authorization for Non-JCCO Cases/Consultations	$25.00

(Ord. 95-27, passed - -; Ord. 98-2, passed 6-8-1998; Ord. 98-3, passed 11-9-1998; Ord. 99-2, passed 10-12-1999; Ord. 2002-01, passed 7-8-2002; Ord. 2000-02, passed 5-8-2000; Ord. 2000-03, passed 5-8-2000; Ord. 2001-01, passed 10-9-2001; Ord. 2005-15, passed 6-6-2005; Ord. 2005-17, passed 7-5-2005; Ord. 2006-06, passed 8-14-2006; Ord. 2007-02, passed 5- -2007; Ord. 2007-19, passed 8-6-2007; Ord. 2007-04, passed 8-13-2007; Ord. 2015-07, passed 12-14-2015; Ord. 2019-O-3, passed 6-24-2019; Ord. 2020-O-08, Ord. 2025-02, passed 4-28-2025, Ord. 2025-03, passed 4-28-2025.)

TITLE 29: RESERVED

[RESERVED]

TITLE 30: COUNTY AIRPORT

[RESERVED]

TITLE 31: RESERVED

[RESERVED]

TITLE 32: COUNTY PROPERTY

Article

1. **ROADSIDE DITCHES**

2. **SELECTED WORK IN STREETS**

3. **FAIR HOUSING**

4. **ACCESS TO COUNTY ROADS**

5. **PROPERTY ENDORSEMENT**

6. **BUILDINGS AND STRUCTURES**

7. **CORNER MONUMENT REMOVAL OR ALTERATION**

8. **TOY VEHICLES AND RECREATIONAL VEHICLES**

ARTICLE 1: ROADSIDE DITCHES

Section

Chapter 1: General Provisions

32-1-1-1 General provisions

CHAPTER 1: GENERAL PROVISIONS

§ 32-1-1-1 GENERAL PROVISIONS.

(A) The plowing of or filling in of roadside ditches along County roads for a space of a minimum of one rod from the centerline of the pavement of the County roads on each side thereof, is hereby prohibited.
(B) Any person violating subsection (A) above shall be required to reimburse the County the cost incurred by the County in returning the roadside ditch to the condition it was in prior to same being plowed or filled in by the person.
(C) This section shall be in full force and effect from and after its passage, approval, and publication according to law.
(Ord. 81-5, passed 5-11-1981)

ARTICLE 2: SELECTED WORK IN STREETS

Section

Chapter 1: General Provisions
32-2-1-1 General provisions
32-2-1-2 Standards
32-2-1-3 Administration and enforcement
32-2-1-4 Penalty

CHAPTER 1: GENERAL PROVISIONS

§ 32-2-1-1 GENERAL PROVISIONS.

(A) *Short title.* This chapter shall be known and may be cited as the "County Road Right-of-Way Control Ordinance of Johnson County, Indiana."
(B) *Authority.* This chapter was enacted pursuant to State Home Rule and consistent with the provisions of I.C. 8-1-23-3 and 8-20-1-28, as amended.
(C) *Purpose.* The purpose of this chapter is to control the installation of utilities in the County road right-of-way to protect the public health, safety, and welfare through:
(1) Establishment of standards governing selected work in the County road right-of-way; and
(2) Creation of a permit system and enforcement program to ensure compliance with standards.
(D) *Compliance.* It shall be unlawful for any person to cut, dig, or excavate, tunnel, or bore in any part of any County road or right-of-way within the County or to attach or remove any wire, pipe, or conduit from any County bridge, overpass, or underpass unless the activity is in full compliance

with all provisions of this chapter and after lawful issuance of permits required by this chapter.

(E) *Severability.* If any provision of this chapter or application of any provision to particular circumstances is held invalid, the remainder of the chapter or the application of the provision to other circumstances shall not be affected.

(F) *Application.* It is not intended by this chapter to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties, nor is it intended by this chapter to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or ordinances not specifically repealed by this chapter, or any rules, regulations, or permits previously adopted or issued pursuant to law; provided, however, that, where this chapter imposes greater restriction than is imposed by existing provisions, provisions of this chapter shall control; but where the private covenants, permits, agreements, rules, or regulations impose a greater restriction than is imposed by this chapter, the greater restriction shall control.

(G) *Jurisdiction.* This chapter shall apply to all unincorporated land within the County.

(Ord. 88-6, passed 4-4-1988; Ord. 2008-10, passed 4-7-2008)

§ 32-2-1-2 STANDARDS.

(A) Utilities installed in County road right-of-way shall conform to standards adopted by the County Board of Commissioners governing:

(1) Methods of installing utilities in the County road right-of-way;

(2) Methods and materials used in backfilling cuts in the County road right-of-way;

(3) Methods and materials used in resurfacing pavement in the vicinity of cuts in the County road right-of-way; and

(4) General methods and procedures for repairing public or private tiles damaged in the process of installing utilities in the County road right-of-way.

(B) The County Highway Department shall recommend standards for the installation of utilities in the County road right-of-way and may recommend amendments to the standards from time to time as necessary and appropriate.

(Ord. 88-6, passed 4-4-1988; Ord. 2008-10, passed 4-7-2008)

§ 32-2-1-3 ADMINISTRATION AND ENFORCEMENT.

(A) *Administrative responsibility.* The County Board of Commissioners shall establish the procedures and responsibilities for the administration and enforcement of this chapter in accordance with the following provisions.

(B) Permit required; application; fees and charges.

(1) It shall be unlawful for any person to cut, dig, or excavate, tunnel, or bore in any part of any County road or right-of-way within the County or to attach or remove any wire, pipe, or conduit from any County bridge, overpass, or underpass except for the purpose of making installations pursuant to contract with the County, without first filing with the County Highway Department a written application for permit to make such a cut or excavation, or to attach or remove any such wire, pipe, or conduit from any County bridge, overpass, or underpass at least seven days in advance of the time of beginning the work to be done under the permit. All permits shall be submitted to and be approved by the County Highway Department prior to being filed with the County Auditor.

(2) No permit shall be issued unless the proposed installation is in complete conformity with the provisions of this chapter.

(3) If a right-of-way permit is issued, the applicant shall apply for a certificate of compliance which shall not be issued until the work is complete and compliance with this chapter is evident.

(4) Application for a permit shall be filed on forms provided by the County and shall be accompanied by a description of the location, kind, and dimension by feet and inches of the proposed work together with the type of road surface to be cut or excavated, the nature of the opening to be made, and the purpose of the proposed work.

(5) All applicants must pay a permit fee and inspection fee in the amount of $100 for projects affecting one mile or less of County road right-of-way and shall pay $0.03 for each foot of affected right-of-way in excess of one mile for each permit at the time the permit is filed. The permit shall be valid for 365 days after approval is given by the County Highway Department.

(6) In order that affected property owners may identify the location(s) of tiles(s) or other improvements susceptible to drainage in the right-of-way, the applicant shall, on forms provided by the County, notify and secure the signature of property owners along the affected right-of-way.

(7) The applicant shall provide proof of status as a bona-fide utility under applicable Indiana statutes.

(C) Work agreed to be performed; bond or letter of credit; indemnifying agreement.

(1) (a) As part of the written application, the applicant shall file in the office of the County Auditor a faithful performance bond naming the County as obligee with a good and sufficient surety to be approved by the County Board of Commissioners or, in lieu thereof an irrevocable letter of credit issued by a bank or other financial institution approved by the County Board of Commissioners, in the following amounts:

1. For each cut, dig, excavation, or tunnel which crosses the County road or right-of-way, the sum of $3,000;
2. For each bore which crosses the County road or right-of-way, the sum of $1,000;
3. For the attachment of each wire, pipe, or conduit to any County bridge, overpass, or underpass, or for the removal of each wire, pipe, or conduit therefrom, the sum of $2,000; or
4. For each cut, dig, excavation, tunnel, or bore running parallel to the County road or right-of-way, the sum of $10,000 per mile or part thereof;

(b) A single bond or undertaking, or a single irrevocable letter of credit may be filed for multiple cuts, digs, excavations, tunnels, or bores, or for multiple wires, pipes, or conduits in such amount described above multiplied by the number of the cuts, digs, excavations, tunnels, bores, or wires, pipes, or conduits;

(c) In lieu of the performance bond or irrevocable letter of credit, public utilities whose rates are regulated by the State Utility Regulatory Commission may submit an indemnifying agreement, in which the applicant shall agree to do at least the following:

1. Maintain the road surface which has been disturbed in a smooth and uniform condition for a period of one year after traffic is again permitted to pass over the filled trench, or maintain the area cut outside the pavement surface but within the right-of-way to a condition similar to the immediate surrounding area for a period of one year. The maintenance shall meet the approval of the County Highway Department, with the advice and consent of the County Board of Commissioners.
2. Erect and maintain all necessary barricades, detour signs, warning signals, and lights by night (in conformance with the *Indiana Manual of Uniform Traffic Control Devices* - latest edition) required to direct traffic safely over or around the place where the work is being done, so long as the work in any way interferes with traffic.
3. Take all responsibility and shall indemnify the County for any injury or damage resulting to persons or property because of the work.

(d) Each work area shall conspicuously display at the site of the street opening the name, address, and telephone number of the person to whom the permit has been issued and a copy of the permit, so long as the hole is open or barricades are in place.

(e) Give notice to the County Highway Department prior to each day that excavations are opened in the right-of-way.

(2) The performance bonds, irrevocable letters of credit, or indemnifying agreements shall provide that the principal shall well and truly observe, fulfill, and perform in connection with each provision, term, and condition recited above, and that in case of any breach, the County shall be entitled to recover from the principal and/or sureties on the bond or the issuer of the irrevocable letter of credit, the amount of any damages, and all costs and attorney fees incurred by the County proximately resulting from the failure of the principal to well and faithfully observe and perform under any and all of the provisions, terms, and conditions recited above required to be performed, and on the further condition that no recovery by the County of any sum by reason of the bond or irrevocable letter of credit required by this section shall be any limitation upon the liability of the principal to the County; except that, any sum received by the County by reason of the bond or irrevocable letter of credit shall be deducted from any recovery which the County might have against the principal.

(D) *Keeping bonds letters or credit and indemnifying or agreements current.* It shall be the duty of the County Auditor to require all persons making application for a permit under the terms of this chapter to post and keep current the bonds, letters of credit, or indemnifying agreements required or authorized hereby.

(E) Nonapplicability relating to bonds, letters of credit, indemnifying agreements, and fees.

(1) The provisions of this ordinance relating to bonds, letters of credit, indemnifying agreements, and fees shall not apply to work being done by any city, town, separate municipal corporation, or any other County, or by any agency of the state or by any special taxing or service district established by law; provided that, the entity shall give at least 24 hours' notice to the County Highway Department of any work and shall do all things required hereunder. The provisions of this chapter relating to permits, bonds, letters of credit, indemnifying agreements, and fees shall not apply to the setting and maintaining of utility poles and their appurtenances along County roads and right-of-way by any public utility whose rates are regulated by the State Utility Regulatory Commission except new installations greater in length than one mile.

(2) In the case of an emergency, cutting and excavating work and the attachment or removal of any wire, pipe, or conduit from any County bridge, overpass, or underpass may proceed without delay; provided that, within the commencement of the work a bond, letter of credit, or indemnifying agreement as authorized herein shall be posted the next day, and notice of the work shall be given and a permit obtained from the County Highway Department as above provided.

(Ord. 88-6, passed 4-4-1988; Ord. 2008-10, passed 4-7-2008)

§ 32-2-1-4 PENALTY.

Any person, firm, partnership, or corporation who violates any provision of this chapter shall be guilty of an ordinance violation and, upon conviction, be fined up to $2,500 and, for violations continued or renewed after one conviction, each day's violation shall constitute a separate offense.
(Ord. 88-6, passed 4-4-1988)

ARTICLE 3: FAIR HOUSING

Section

Chapter 1: General Provisions

32-3-1-1 Policy statement
32-3-1-2 Definitions
32-3-1-3 Unlawful practice
32-3-1-4 Discrimination in sale or rental
32-3-1-5 Discrimination in residential real estate-related transactions
32-3-1-6 Brokerage services; discrimination
32-3-1-7 Interference, coercion, or intimidation
32-3-1-8 Prevention of intimidation in fair housing cases
32-3-1-9 Exemptions
32-3-1-10 Administrative enforcement

CHAPTER 1: GENERAL PROVISIONS

§ 32-3-1-1 POLICY STATEMENT.

It shall be the policy of the County to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and I.C. 22-9.5-1 *et seq*.
(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-2 DEFINITIONS.

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

AGGRIEVED PERSON. Includes any person who:

(1) Claims to have been injured by a discriminatory housing practice; or

(2) Believes that the person will be injured by a discriminatory housing practice that is about to occur.

(I.C. 22-9.5-2-2)

COMMISSION. The Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4 *et seq.*
(I.C. 22-9.5-2-3)

COMPLAINANT. A person, including the Commission, who files a complaint under I.C. 22-9.5-6.
(I.C. 22-9.5-2-4)

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful hereunder or I.C. 22-9.5-5.

DWELLING. Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families.
(I.C. 22-9.5-2-8)

FAMILIAL STATUS. One or more individuals (who have not attained the age of 18 years) being domiciled with a parent or another person having legal custody of the individual or the written permission of the parent or other person. The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FAMILY. Includes a single individual (I.C. 22-9.5-2-9), with the status of the family being further defined herein.

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

TO RENT. Includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.
(I.C. 22-9.5-2-13)

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-3 UNLAWFUL PRACTICE.

(A) Subject to the provisions of subsection (2) below, § 32-3-1-9, and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in I.C. 22-9.5-5-1 and in § 32-3-1-4 shall apply to:

(1) All dwellings, except as exempted by subsection (2) below and I.C. 22-9.5-3;

(2) Other than the provisions of subsection (3) below, nothing in § 32-3-1-4 shall apply to:

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

1. Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent, or salesperson, or any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent or salesperson, or person; and
2. Without the publication, posting, or mailing, after notice of advertisement or written notice in violation of § 32-3-1-4, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other professional assistance as necessary to perfect or transfer this title.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his or her residence.

(3) For the purposes of subsection (2) below, a person shall be deemed to be in the business of selling or renting dwellings if:

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

(b) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her

own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

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

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-4 DISCRIMINATION IN SALE OR RENTAL.

As made applicable by § 32-3-1-3 and except as exempted by §§ 32-3-1-3 and 32-3-1-9, it shall be unlawful:

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

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

(C) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, or national origin, or an intention to make any such preference, limitation or discrimination;

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

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

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

(a) That buyer or renter;

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

(c) Any person associated with that person.

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

(a) That person;

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

(3) For purposes of this subsection, ***DISCRIMINATION*** includes:
(a) A refusal to permit, at the expense of the disability person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises; except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
(b) A refusal to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that:
1. The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons;
2. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and
3. All premises within the dwellings contain the following features of adaptive design:
a. An accessible route into and through the dwelling;
b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
c. Reinforcements in bathroom walls to allow later installation of grab bars; and
d. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the Americans With Disabilities Act of 1990 and of the American National Standards Institute for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of subsection (F)(3)(c)3. above.
(5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the

health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-5 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.

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

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

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

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

(b) Secured by residential real estate.

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

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, disability, or familial status.

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-6 BROKERAGE SERVICES; DISCRIMINATION.

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

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-7 INTERFERENCE, COERCION, OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 32-3-1-3, 32-3-1-4, 32-3-1-5, or 32-3-1-6 above.

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-8 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

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

(A) Any person because of his or her race, color, religion, sex, disability, familial status, or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

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

1. Participating, without discrimination on account of race, color, religion, sex, disability, familial status, or national origin, in any of the activities, services, organizations, or facilities described in subsection (A) of this section; or
2. Affording another person or class of persons opportunity or protection so to participate.

(C) Any citizen because he or she is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, familial status, or national origin, in any of the activities, services, organizations, or facilities described in subsection (A) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more that $10,000, or imprisoned for not more than 10 years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-9 EXEMPTIONS.

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

(B) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to those persons, unless membership in the religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an

incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

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

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

1. Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program);
2. Intended for, and solely occupied by, persons 62 years of age or older; or
3. Intended and operated for occupancy by at least one person 55 years of age or older per unit.

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-10 ADMINISTRATIVE ENFORCEMENT.

(A) Notwithstanding the provisions of I.C. 22-9.5-4-8, the County, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complaints of violation of the articles of this chapter by complainants to the State Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to I.C. 22-9.5-6, and the County Board of Commissioners shall refer all the complaints to the Commission to the Commission for purposes of investigation, resolution, and appropriate relief as provided for under I.C. 22-9.5-6.

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

(C) The County Board of Commissioners or its designee, shall provide information on remedies available to any aggrieved person or complainant requesting that information.

(Ord. 93-10, passed 9-13-1993)

ARTICLE 4: ACCESS TO COUNTY ROADS

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CHAPTER 1: GENERAL PROVISIONS

§ 32-4-1-1 PURPOSE OF RULE.

The County Highway Department is authorized to enforce and regulate such requirements and restrictions for driveway approaches as may be necessary to provide for

the drainage of the roadway, preservation of the roadway, and the safety and convenience of traffic on the roadway. A written permit application shall be considered by the Department and, in accordance with properly established regulations and requirements, a permit shall be granted subject to appropriate conditions and provisions contained therein. All work on the permit shall be performed to the satisfaction of the Department in accordance with this article.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-2 DEFINITIONS.

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

ACCESS. A location which allows vehicular and/or pedestrian traffic to cross the longitudinal roadway right-of-way line and is positioned at the connection of a driveway with the approach at the right-of-way line.

APPLICANT. A person, partnership, company, corporation, association, or agency making application for a permit to perform work on an approach.

APPLICATION. A formally prepared request for a permit which is presented by an applicant on a permit form to the Department seeking permission to perform work on roadway right-of-way.

APPROACH. A way or place improved for vehicular or pedestrian traffic on the roadway right-of-way which joins the pavement edge of the roadway with a driveway or pedestrian walkway.

AUXILIARY LANE. A portion of the roadway adjoining the traveling way for parking, speed change, turning, storage for turning, weaving, truck climbing, or for other purposes.

COMMERCIAL APPROACH. An approach which joins the roadway with a driveway to private property used for commercial purposes or to public property.

CROSSOVER. A paved or graded crossing in the roadway median which allows vehicles to cross or to turn across the roadway.

DEPARTMENT. The Johnson County Highway Department acting directly or through its duly authorized officers and agents.

DRIVEWAY. A way or place outside the longitudinal roadway right-of-way which is used for vehicles or pedestrians as a means for providing passage to the right-of-way.

EXPIRATION DATE. The last calendar day that the valid permit is in effect and that the approach must be in compliance with all conditions of the permit.

FIELD APPROACH. An approach which joins the roadway with a driveway to private property that is vacant, in an unimproved condition, or a farm field.

ROADWAY. Any road under the jurisdiction of the Department that is designated as a County road.

ISSUE DATE. A calendar day that the permit is granted to the applicant.

LIMITED ACCESS FACILITY. A roadway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of direct access, light, air, or view by reason of fact that their property abuts the limited access facility or for any other reason.

MEDIAN. The portion of a divided roadway separating the traveling way for traffic proceeding the opposite direction.

NOTICE. A certified letter from the Department addressed to the owner(s) of the real estate stating that the approach(es) for a driveway(s) emanating from the real estate is unauthorized and providing the approximate location of the approach(es), a statement of any substandard elements of the approach(es), the action to be taken by the owner, and the deadline for completing the prescribed action.

PERMIT. A legal document in which the Department gives written permission to an applicant to perform work on the roadway right-of-way.

PERMITTEE. The applicant following the issuance of a permit by the Department.

PRIVATE APPROACH. An approach which joins the roadway with a driveway to private property having a residence, barn, private garage, or other improvements and is ordinarily used only by the owner or occupant of the premises, guests, and necessary service vehicles.

PURCHASED LIMITED ACCESS. All land under the jurisdiction of and whose use is controlled by the Department.

RIGHT-OF-WAY. All land under the jurisdiction of and whose use is controlled by the Department.

SHOULDER. The portion of the roadway right-of-way contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for

lateral support of roadway base and surface courses. It is measured from the edge of pavement for traveled way or, if present, auxiliary lane to the intersection of the shoulder and fill or ditch slopes.

SUBDIVISION APPROACH. An approach which joins the roadway with a proposed public roadway. For the purposes of this chapter, a proposed public roadway which connects with the subdivision approach shall be considered a "driveway," until such time as the proposed roadway becomes a part of the County Highway System. A ***SUBDIVISION APPROACH*** shall be classified as either a major or minor commercial approach.

TITLE EVIDENCE. Documentation in the form of a certified search covering a period of 20 years, current title insurance, or certified letter from an abstractor or title insurance agent certifying fee simple ownership of the property.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any roadway for purposes of travel.

TRAVEL CONTROL. Devices such as signs, barricades, pavement markings, and signalization used to direct traffic in the safe orderly use of the roadway.

TRAVELED WAY. The portion of roadway used for the movement of traffic, excluding shoulders and auxiliary lanes.

UNAUTHORIZED APPROACH. An approach which has been constructed, reconstructed, altered, or modified; which remains incomplete, or has become substandard for any reason, such as change in land use; that is not approved or authorized to exist in its present condition, under present traffic pattern, by the Department.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-3 CLASSIFICATION OF ENTRANCES AND APPROACHES.

All approaches shall be divided into five classes as follows:

(A) Class I - Private Approach - Raised curb used;
(B) Class II - Private Approach - Flush shoulder only, no raised curb;
(C) Class III - Commercial Approach - Raised curb used;
(D) Class IV - Commercial Approach - Flush shoulder only, no raised curb; or
(E) Class V - Field Approach - Either raised curb or flush shoulder.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-4 TYPES OF PERMITS.

The driveway approach applications shall be designated and defined as being one of the following types of permits.

(A) *Limited access driveway.* Any change to an existing access, approach, and/or crossover or the construction of a new access, approach, and/or crossover along a purchased or declared limited access roadway.

(B) *Commercial major driveway.* Any change to an existing access, approach, and/or crossover or the construction of a new access, approach, and/or crossover which connects the roadway to private property used for commercial purposes or to a public property and which attracts enough traffic to require auxiliary lanes as determined by the Department.

(C) *Commercial minor driveway.* Any change to an existing access, approach, and/or crossover or the construction of a new access, approach, and/or crossover which connects the roadway to private property used for commercial purposes or to a public property and which does not attract enough traffic to require auxiliary lanes as determined by the Department.

(D) *Private driveway.* Any change to an existing access, approach, and/or crossover or the construction of a new access, approach, and/or crossover that connects the roadway to private property having a residence, barn, private garage, an improved or unimproved condition, and ordinarily used only by the owner or occupant of the premises, guests, and necessary service vehicles.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-5 APPLICATION; FORM REQUIRED.

Application to the Department for a permit to construct any approach connecting a driveway with any Department roadway or roadway right-of-way, to cut any curb along a roadway, or construct a crossover on a roadway shall be made on the form as prescribed by the Department. The form and accompanying documentation shall be submitted containing as many copies as may be prescribed by the Department. Reasonable fees for processing driveway permits may be established by appropriate action by the County Board of Commissioners.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-6 NEW APPLICATION; WHEN REQUIRED.

(A) (1) Relocation, alteration, or remodeling of an access, approach, and/or crossover, or any change in the character of the use of the access, approach, and/or crossover shall be considered the construction a new access, approach, or crossover and an application for a permit shall be required.

(2) The granting or denial of the application shall be governed by the same regulations and judged by the same standards as an application for a permit for a wholly new access, approach, and/or crossover.

(B) The application shall include immediately proposed and future work affecting all locations of access to the applicant's property and adjacent parcels in which an interest is held by the applicant.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-7 APPLICATION; DISCLOSURE.

(A) All applications for permits hereunder shall be made in the name of the owner of the fee simple title. All persons having any interest in the land, including but not limited to mortgagees, lessees, optionors, lien holders, and holders of other encumbrances, shall join with the fee simple holder in the application. All such persons shall join in the application, shall sign, and consent to the conditions of the application, and shall be bound equally thereafter by the conditions of the permit which may be issued to the permittee.

(B) Title evidence shall be furnished to support the signatures for driveway permit applications in the following areas:

(1) All commercial driveway permit applications, except those applications involving an existing access with no proposed change in access, use, or character; and

(2) Private driveway permit applications, including field access approaches in areas along roadways covered by limited access resolutions.

(C) All other allowable evidence will be at the discretion of the Department.

(D) If the applicant submits an application in which the title evidence does not include the signatures of all interest holders and if the application is evaluated in favor of granting the permit, the applicant must submit subsequent title evidence showing that all omitted interest holders have ceased to be interest holders or have by an addendum to the application joined the original applicant on the original application and the subsequent title evidence or addendum must be submitted before the permit is issued.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-8 DRAWINGS AND INFORMATION REQUIRED.

All applications for permits under these regulations shall be accompanied by clear drawings. One set of drawings shall accompany all copies of the application form. Information to be shown on drawings shall include the following as applicable:

(A) Driveway(s) and approach(es) including dimensions for width, length, angle of intersection, radii, and any other measurement necessary to show the geometries of the driveway(s) and approach(es) drawn to an engineer's 20 or 30 scale;

(B) A rate of slope or grade of pavement for approach(es) and driveway(s);

(C) Types of approach and driveway pavement material (stone, concrete, or bituminous pavement including depths of lifts);
(D) Existing drainage patterns and structures, including size and kind;
(E) New drainage patterns, including the effect on downstream Department facilities and private property, and structures including size, kind, invert pipe elevations, and inlet elevations;
(F) Width dimension of roadway right-of-way;
(G) Width and type of roadway pavement;
(H) Roadway right-of-way and applicant's property lines;
(I) Development site plan showing parking interior drives, buildings, and other improvements, including distance from right-of-way line to gasoline pumps;
(J) Distance to intersecting roads, streets, railways, or crossovers within 500 feet in each direction on both sides of the roadway from the applicant's property lines drawn to an engineer's 50 scale;
(K) The distance to and the design of all drives on both sides of roadways and in each direction that are within 500 feet of the applicant's property lines drawn to an engineer's 50 scale;
(L) The posted speed limit on roadway and all traffic control equipment serving the roadway, including, but not limited to, signalization devices, lighting, pavement markings, guardrail, and sign structures;
(M) Proposed treatment of right-of-way area adjacent to and between approaches;
(N) Appropriate symbols such as north arrow, direction of lane travel, and direction of drainage flow, and a legend defining abbreviations and graphic representations of existing and new conditions, objects, materials, and the like;
(O) A legal description of the property to be served by the permit together with a legal description of the adjoining land owned or controlled by the applicant; and
(P) Traffic control needed during work activity displaying necessary signs, barricades, detour signs, and warning devices shall be provided whenever work is to interfere with normal traffic. Traffic control must be in accordance with the "Construction and Maintenance Section" of the *Indiana Manual of Uniform Traffic Control Devices*.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-9 CONSTRUCTION AND MATERIALS TO CONFORM TO STANDARDS.

All construction and materials used within the roadway right-of-way must conform to the current State Department of Transportation "Standard Specifications," supplemental specifications, and special provisions which shall be kept on file at the offices of the Department.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-10 APPLICATION; STANDARDS; SPECIFICATIONS; DESIGN.

All applications shall be filed in accordance with the standards and design requirements of this article as described herein. The permittee shall agree to perform all work on the right-of-way in accordance with the requirements of this article. The guidelines and specifications for the standards and design requirements for driveway applications shall be the latest versions of the INDOT *Driveway Permit Handbook*, *AASHTO A Policy on Geometric Design of Highways & Streets*, the *Manual on Uniform Traffic Control Devices*, *AASHTO Roadside Design Guide,* and the ITE *Guideline for Driveway Location & Design*, which shall be kept on file at the offices of the Department.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-11 COMMERCIAL APPLICATIONS; ENGINEER'S ATTESTATION.

All applications for commercial purposes shall be signed by a registered professional engineer, a registered architect, and/or registered land surveyor, attesting that the applications as proposed conform with all Department regulations, specifications, and standards, except as shall be noted in such attestation.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-12 LAND USE AND ZONING APPROVAL.

Approval of a permit application shall be subject to the permittee obtaining all necessary approvals involving land use from the Planning or Zoning Boards, and/or local governmental authorities, and shall comply with all applicable laws. The issuance of any permit shall in no way imply Department approval of, or be intended to influence, any action pending before any local board, commission, or agency.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-13 BOND REQUIRED.

(A) The Department shall require a performance bond to be filed with each application for a commercial driveway showing the applicant as principal in a minimum amount of $5,000 or in an amount as specifically set by appropriate Department action.

(B) The amount shall be increased in any application to equal 120% of the estimated cost of that part of the project on the Department's right-of-way.

(C) The bonds are required to ensure compliance with all terms of the permit, and shall in case of noncompliance provide in addition to any damages suffered thereby all witness and court costs in collecting the same, together with any attorney fees reasonably due, and shall be released only when the work described on the permit has been completed to the satisfaction of the Department.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-14 CROSSOVERS.

(A) Permits for private or commercial crossovers will not be approved unless the applicant can prove to the satisfaction of the Department that the location of the crossover will not be detrimental to the safety of the traveling public.

(B) The minimum distance between crossovers shall be 400 feet.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-15 LOCATION; TAPER; CONTINUOUS LANE.

Where the taper of a proposed driveway will create hazardous and erratic traffic movement because of its proximity to adjacent similar taper, the entire area between the tapers must be paved thus forming a continuous full lane between the approaches of which the tapers are a part.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-16 LOCATION; VISIBILITY.

(A) All approaches shall be located so as to provide adequate sight distance in both directions along the roadway for safe access to the roadway without interfering with traffic.

(B) Under substandard visibility conditions as delineated in the standards as given in § 32-6-1-9, access may be granted for an alternate location that offers the least hazard and interference with traffic.

(Ord. 97-17, passed 11-17-1997)

CHAPTER 2: SPECIFIC PROVISIONS

§ 32-4-2-1 DRAINAGE REQUIREMENTS.

All improvements authorized by the permit shall not interfere with drainage of the street or roadway, nor cause additional area to drain onto the right-of-way unless specifically acknowledged and allowed by the permit, nor shall the improvements be constructed so as to cause drainage onto the roadway.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-2 PERMIT FOR CONSTRUCTION.

(A) Upon receipt of a permit issued by the Department, the permittee is authorized to proceed with the work covered by the permit, subject to the conditions imposed by the Department.

(B) Any objection to the conditions and provisions of an approved permit must be submitted in writing to the Department within 15 days from the issue date of the permit.

(C) The permit does not apply to any roadway right-of-way that is closed for construction purposes, except as allowed by provision in the permit, nor to any state route or city streets.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-3 PERMIT; INSPECTION.

(A) An inspection may be conducted at any time by the Department and a final inspection of the permit shall be conducted upon completion of construction. The work covered by the permit does not comply until found to be in accordance with the plans and specifications filed in the application as amended by the Department, together with any special conditions noted therein, and approved by the Department. The permittee shall adjust or stop operations upon direction of any police officer or authorized Department employee. The permit may be revoked at any time by the Department for noncompliance with any and/or all provisions and conditions of the permit.

(B) The permittee shall pay the Department for any inspection costs, including labor, vehicular mileage, and equipment expenses when it is necessary to assign a Department employee to inspect the work. The permittee shall immediately reimburse the Department upon receipt of an itemized statement.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-4 NONCOMPLIANCE OF PERMITS WITHOUT BONDS.

On permits not covered by a bond, work performed that is incomplete, improperly performed, or otherwise does not follow the conditions or provisions of the permit shall be designated as "does not comply." The Department shall follow procedures for corrective action beginning with the notice action stated herein. Permit applications for existing approaches that are denied by the Department shall be corrected by entering the same procedure herein.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-5 PERMIT; RECORDING.

The permittee shall sign a copy of a "limitation of access" instrument, if so required by the Department as a condition of the permit. The Department shall immediately cause the limitation of access instrument to be recorded in the office of the County Recorder.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-6 NOTIFICATION PRIOR TO BEGINNING WORK.

The permittee shall notify the Department's Engineering Office five working days prior to the start of any work activity on the roadway right-of-way of the date the work will commence. The permittee shall notify the Department's Engineering Office prior to completion of all work on the roadway right-of-way of the anticipated date the work will be completed.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-7 PERMIT TRAFFIC CONTROL.

The permittee shall erect and maintain all necessary traffic control signs, barricades, detour signs, and other traffic control devices required to safely direct traffic over or around the part of the roadway where permitted operations are to be done in accordance with the construction and maintenance section of the State *Manual on Uniform Traffic Control Devices*. Disruption to traffic shall be kept to a minimum and shall require approval of the Department prior to beginning other work activities on the right-of-way.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-8 PROHIBITED HOURS OF WORK.

(A) The permitted work shall not be performed on the roadway right-of-way between sunset and sunrise, unless specifically allowed by special provisions to the permit.

(B) The permitted work shall not be performed on the roadway right-of-way during the period beginning at 12:00 noon on the last weekday preceding and continuing until sunrise on the following day: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-9 DISPLAY OF PERMIT.

The permittee shall have the permit complete with drawings and special provisions on the job site at all times and will show the permit, on demand, to any police officer or Department employee.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-10 PERIOD PERMIT VALID; TIME FOR COMPLETION OF CONSTRUCTION.

All work on roadway right-of-way authorized by a permit must be completed within one year after the permit is issued; otherwise, the permit will be canceled unless an extension is requested, in writing, by the permittee, and is approved by the Department. The time extension shall not exceed more than one year beyond the original expiration date unless approved otherwise by the Department. If a permit is canceled, a new application must be submitted and approved before the proposed work can begin. Once construction authorized by the permit is initiated it must be completed within 30 days, unless otherwise expressly approved as a special condition.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-11 LIABILITY DURING CONSTRUCTION.

The permittee shall assume all responsibility (during the time from the beginning of the work covered by any permit until final approval for the work) and shall furthermore be obligated to save harmless the County for any and all injury, loss, or damage occasioned to or by persons or property resulting directly or indirectly from the work.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-12 CONSTRUCTION NOT TO INTERFERE WITH STRUCTURE IN RIGHT-OF-WAY.

The work authorized by the permit shall not interfere with any existing structure on any Department right-of-way without specific permission in writing from the Department or other owner thereof. Any structure or traffic control device affected by the proposed construction shall be relocated at the permittee's expense as directed. In the event that any buildings, railings, traffic control devices, or other structures are damaged, the cost of the removal and/or of repair due to damage shall be at the permittee's expense as directed.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-13 CHANGE IN EXISTING ACCESS; SUBJECT TO NEW RULES.

Any person who by law has an existing legal right of access to a County road shall as a condition of the issuance of any permit and in consideration of the same agree that the rights of access then existing or granted thereafter with respect to the real estate are subject hereto.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-14 SEVERABILITY OF RULE.

If any provision hereof or the application thereof to any person or circumstances is invalid, the invalidity shall not affect the other provisions or usage hereof, which can be given effect without the invalid provision or usage and to the end the provisions hereof are declared to be severable.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-15 MAINTENANCE AND LIABILITY.

(A) The permitting of any access shall not relieve the permittee of any liability concerning the permitted access nor shall the County Board of Commissioners or the County Highway Department incur or assume any liability concerning the same. The maintenance and upkeep of the access and all its appurtenances (if any) shall be the sole responsibility of the owner of the land to which access is granted.

(B) The County Board of Commissioners and the County Highway Department shall assume no responsibility or liability concerning the maintenance of the access.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-16 UNAUTHORIZED APPROACHES TO DRIVEWAYS.

(A) *Purpose of rule.*

(1) The County Highway Department shall control access and regulate work performed on approaches to driveways on roadway right-of-way. This control and regulation shall provide for the preservation of the roadway and the safety and convenience of traffic on roadway.

(2) The measure of public benefit shall be the guide in determining the priorities and procedures in correcting any unauthorized approaches to driveways.

(B) *Driveway documentation.*

(1) The Department shall control access along roadways through inspection and by properly documenting planned and existing approaches for driveways and pedestrian walkways. Any construction, reconstruction, alteration, or modification to an approach by person(s) other than the Department shall be administered through Chapter 1 of this article. Existing approaches which may be in either a complete or incomplete condition and that have not been reviewed and authorized by the Department, shall be considered unauthorized, undocumented, and subject to corrective action. Existing approaches which were originally authorized by the Department but which have become substandard for any reason, including a change in land use that

adversely affects traffic patterns, shall also be considered unauthorized, undocumented, and subject to corrective action.

(2) The permit process shall be the normal means of taking corrective action. The property owner(s) and/or the person (s) responsible for an unauthorized approach shall make application for a written permit. All remedies available through the permit process shall be used to obtain full compliance of work on the approach.

(3) Under circumstances where the Department is unable to obtain the cooperation of the property owner(s) and/or the person(s) responsible for an unauthorized approach through the permit process, corrective action will be taken in accordance with procedures contained herein.

(C) *Priority; corrective action.* The Department shall assign unauthorized approach work to its staff in accordance with manpower availability and shall first undertake corrective action for the more serious situations as determined by the Department.

(D) *Procedures for corrective action.* Corrective action will normally be the construction, reconstruction, alteration, or modification of the approach to standards acceptable to the Department, or the complete removal of the approach and restoration of the roadway right-of-way. The decision concerning the choice of a remedy remains with the Department. The following procedure will be used by the Department to obtain a suitable corrective result.

(1) The Department will contact the responsible person(s) for the unauthorized approach, including the owner of real estate, and advise them they are to begin corrective action by preparing and submitting a permit application. The Department shall state a specific date for receipt of the application, but in no case shall the time to submit the application be less than 15 calendar days from the date of contact. If an application is received within the specified time period, the Department shall proceed to the requirements herein.

(2) If the person(s) responsible for the unauthorized approach has not responded within the specified time and if the application for the permit was not received by the Department, a notice shall be given to the owner(s) of the real estate from which the unauthorized approach emanates by certified mail and shall be sent to the owner's last known address. A copy of the notice shall be sent to the occupant of the real estate and a copy of the notice shall be posted upon the real estate in a conspicuous place. The notice shall specify the time within which the owner(s) of the real estate shall have completed corrective action for the unauthorized approach, but in no case shall the period of time specified be less than 30 calendar days.

(3) If the owner of the real estate has not completed corrective action on the unauthorized approach within the time specified by the

notice, the Department may do whatever, in its discretion, is necessary to correct the situation or may cause the same to be done by other persons, parties, or corporation.

(4) The cost of the corrective action to the unauthorized approach as provided by subsection (D)(3) above will be borne by the owner of the real estate. After the Department has completed the corrective action, it shall bill the owner of the real estate for the cost.

(E) *Unauthorized driveway: civil prosecution.* It shall be at the discretion of the County Board of Commissioners to pursue legal action against the person who fails to react to the requirements hereof.

(F) *Waiver; corrective action.* Where unauthorized approaches extending over any roadway right-of-way are in place on the effective date of this regulation, it shall be the right of the Department to exercise discretion in implementing the procedure stated herein.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-17 ADDITIONAL IMPROVEMENTS FOR CERTAIN DRIVEWAY PERMITS.

Individuals or entities applying for limited access, minor commercial, and major commercial driveway permits may be required to construct or make additional improvements to public roads and intersections that directly serve the property for which the access permit is being requested, as determined by the County Highway Department. (Ord. 2008-11, passed 4-7-2008)

ARTICLE 5: PROPERTY ENDORSEMENT

Section

Chapter 1: Supplemental Fee

32-5-1-1 General provisions

CHAPTER 1: SUPPLEMENTAL FEE

§ 32-5-1-1 GENERAL PROVISIONS.

(A) This section is intended to provide for the establishment of a supplemental fee in the amount of Five Dollars ($5.00) for each parcel in a legal description contained in a deed for which the County Auditor makes a real property endorsement pursuant to Indiana Code 36-2-11-14 and 36-2-9-18.

(B) The Auditor shall collect such fee in addition to any other fee provided by law, and such fee shall be placed in a dedicated fund for use in plat map mainentenance.

(C) All previous ordinances regarding endorsement fees are hereby repealed.

(Ord. 2011-02, passed 6-27-11; Ord. 2001-13, passed 9-24-2001; Ord. 2003-12, passed 10-27-2003)

ARTICLE 6: BUILDINGS AND STRUCTURES

Section

Chapter 1: General Requirements
32-6-1-1 Title
32-6-1-2 Purpose
32-6-1-3 Definitions
32-6-1-4 Scope
32-6-1-5 Authority

Chapter 2: Building Permits
32-6-2-1 Building permit required
32-6-2-2 Application for building permit
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Chapter 3: Investigations and Inspections of Construction Activities
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Chapter 4: Enforcement and Penalties
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Chapter 5: Minimum Construction Standards
32-6-5-1 Adoption of rules by reference

Chapter 6: Unsafe Building Ordinance

32-6-6-1 Title and scope
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32-6-6-5 Public nuisance
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32-6-6-11 Inspection warrants
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Chapter 7: Impact Fee Ordinance

32-6-7-1 Conditional repeal and limitation on imposition of impact fee
32-6-7-2 Establishment of impact zone
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32-6-7-5 Impact fee upon issuance of structural building permit
32-6-7-6 Lien rights established
32-6-7-7 Form of receipt
32-6-7-8 Appeals; Johnson County Impact Fee Review Board
32-6-7-9 Road and Street Impact Fund
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32-6-7-11 1300 series impact fees
32-6-7-12 Effective date
32-6-7-13 Savings clause
32-6-7-14 Construction of clause headings

CHAPTER 1: GENERAL REQUIREMENTS

§ 32-6-1-1 TITLE.

This article and all material included herein by reference shall be known as the "Building Code of Johnson County, Indiana."
(Ord. 2008-02, passed 2-25-2008)

§ 32-6-1-2 PURPOSE.

The purpose of this article is to protect the life, public safety, health, and general welfare of the citizens of the County, and shall be construed in such a manner to effectuate this purpose.
(Ord. 2008-02, passed 2-25-2008)

§ 32-6-1-3 DEFINITIONS.

Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meaning.

CLASS I STRUCTURE. Pursuant to I.C. 22-12-1-4:

(6) Any part of the following:

(q) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

1. The public;
2. Three or more tenants; and
3. One or more persons who act as the employees of another.

(r) A site improvement affecting access by persons with physical disabilities to a building or structure described in subsection (1)(a) above;

(s) Any class of building or structure that the Commission determines by rules to affect a building or structure described in subsection (1)(a) above, except buildings or structures described in subsections (3) through (6) below.

(7) Subsection (1) above includes a structure that contains three or more condominium units (as defined in I.C. 32-25-2-9) or other units that:

a. Are intended to be or are used or leased by the owner of the unit; and

b. Are not completely separated from each other by an unimproved space.

(8) Subsection (1) above does not included a building or structure that:

(b) Is intended to be or is used only for an agricultural purpose on the land where it is located; and

(c) Is not used for retail trade or is a stand used for retail sales of farm produce for eight or less consecutive months in a calendar year.

(9) Subsection (1) above does not include a Class 2 structure;

(10) Subsection (1) above does not include a vehicular bridge;

(11) Subsection (1) above does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:

a. The structure; or

b. Mechanical or electrical equipment located within and affixed to the structure.

(12) Pursuant to I.C. 22-12-1-24, structures including swimming pools.

CLASS 2 STRUCTURE. Pursuant to I.C. 22-12-1-5:

i. Any part of the following:

(a) A building or structure that is intended to contain or contains only one dwelling unit or two dwelling units unless any part of the building or structure is regularly used as a Class 1 structure; and

(b) An outbuilding for a structure described in subsection (1) above, such as a garage, barn, or family swimming pool, unless any part of the building is regularly used as a Class 1 structure.

ii. Subsection (1) above does not include a vehicular bridge; and

iii. Pursuant to I.C. 22-12-1-24, a structure including swimming pools.

CONSTRUCTION. Pursuant to I.C. 22-12-1-7:

(1) Fabrication of any part of an industrialized building system or mobile structure use at another site;

(2) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it is to be used;

(3) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it is to be used;

(4) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure; and

(5) Work undertaken to relocate or demolish any part of a Class 1 or Class 2 structure.

DIRECTOR. The Director of the County Department of Planning and Zoning or his or her designated agent(s).

INDUSTRIALIZED BUILDING SYSTEM. Pursuant to I.C. 22-12-1-14, any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

MANUFACTURED HOME. The meaning set forth in 42 U.S.C. § 5402 as it existed on January 1, 2003. This definition is as follows: ***MANUFACTURED HOME*** means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in

length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that, the term shall include any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. §§ 5402 *et seq.* and except that the term shall not include any self-propelled recreational vehicle.

MOBILE STRUCTURES. Pursuant to I.C. 22-12-1-17:

(1) Any part of a fabricated unit that is designed to be:
   (a) Towed on its own chassis; and
   (b) Connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.
(2) The term includes the following:
   (a) Two or more components that can be retracted for towing purposes and subsequently expanded for additional capacity; and
   (b) Two or more units that are separately towable, but designed to be joined into one integral unit.

PERSON. An individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

STRUCTURE. Both Class 1 and Class 2 structures, unless specifically stated otherwise.

VEHICULAR BRIDGE. Any bridge that is neither:

(1) A pedestrian walkway; nor
(2) A passageway for light vehicles suspended between two or more parts of a building or between two or more buildings.

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-1-4 SCOPE.

(A) All construction shall be accomplished in compliance with the provisions of this article.
(B) Pursuant to I.C. 22-13-2-6, this article shall not apply to industrialized building systems or mobile structures certified under I.C. 22-15-4: however, the provisions of this article and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any

construction related to an industrialized building system or mobile structure not certified under I.C. 22-15-4.

(C) Pursuant to I.C. 22-13-2-9, this article is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-1-5 AUTHORITY.

The Director is hereby authorized and directed to administer and enforce the following:

(A) All of the provisions of this article;

(B) Variances granted in accordance with I.C. 22-13-2-11; and

(C) Orders issued under I.C. 22-12-7.

(Ord. 2008-02, passed 2-25-2008)

CHAPTER 2: BUILDING PERMITS

§ 32-6-2-1 BUILDING PERMIT REQUIRED.

(A) Construction is prohibited unless in conformity with a valid building permit obtained from the Director prior to commencement of construction.

(B) Exceptions:

(1) Roofing or re-roofing;

(2) Window replacement, like size for like size;

(3) Guttering;

(4) Siding replacement;

(5) Any structure under 200 square feet and/or not on a permanent foundation;

(6) Non-permanent pools; and

(7) Flat concrete work (i.e., patios, courts, walkways).

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-2-2 APPLICATION FOR BUILDING PERMIT.

(A) Any person required to have a building permit shall submit a completed application to the Director.

(B) This application shall be submitted on a form prepared by the Director and shall contain the following:

(1) Information that the Director determines to be necessary to locate and contact the applicant;

(2) A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner

the nature and location of all work to be accomplished. Plans shall include all structural, electrical, plumbing, and heating/cooling drawings or a contractor sign-off sheet shall be provided by the permit holder as set forth in the procedures of the Department;

(3) A plot plan drawn to scale. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs, and sidewalks and proposed changes or additions to the streets, curbs, sidewalks, and septic tanks;

(4) If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a construction design release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshal Pursuant to I.C. 22-I5-3. Any additional information that the Director finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinance or laws; and

(5) The fee established by the Johnson County Planning and Zoning Fee Schedule (§ 32-6-2-5).

(C) (1) Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person.

(2) The Director may require that the employee or agent provides written authority to apply for a permit.

(Ord. 2008-02, passed 2-25-2008, amended by Ord. 2017-O-9, passed 11-6-2017.)

§ 32-6-2-3 ISSUANCE OF BUILDING PERMIT.

The Director shall issue a building permit to a person after the person has submitted a completed application, including any applicable fee; provided that, the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-2-4 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure shall be issued unless the building or structure was constructed in compliance with the provisions of this article. It shall be unlawful to occupy any building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Director of the Department of Planning and Zoning.

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-2-5 PLANNING AND ZONING FEE SCHEDULE

RESIDENTIAL PERMITS:

NEW CONSTRUCTION (per dwelling unit)…… **$200 + $0.10/sf**
(Includes single-family and two-family dwellings, manufactured homes and similar structures.)

ALTERATION, REMODEL, REPAIR or ADDITION……..…….. **$150 + $0.10/sf**
(Includes structural, electrical, plumbing and HVAC improvements.)

ACCESSORY STRUCTURE or ACCESSORY ADDITION……...……. **$0.10/sf**
(Includes cold storage buildings, pole barns, detached garages, and any accessory structure greater than 200 sf or built on a permanent foundation. $50 minimum, $500 maximum.)

DECK…..…….. **$75**

SWIMMING POOL: INGROUND…….. **$150**
ABOVE GROUND…… **$75**
HOT TUB, SPA…… **$75**

ELECTRICAL UPGRADE (meter base or service change)……...…….. **$75**
(No permit required for like-for-like panel changeouts, overhead-to-underground conversions, storm damage repairs.)

MOBILE HOME PERMITS…… **$150**

IMPROVEMENT LOCATION - RESIDENTIAL USE…….. **$150**
(Non-structural improvements)

NON-RESIDENTIAL PERMITS:

NEW CONSTRUCTION……... **$400 + $0.10/sf**
(Includes multi-family residential, commercial, industrial, institutional and agricultural structures and other structures similar in nature and use.)

ALTERATION, REMODEL, REPAIR or ADDITION……. **$200 + $.10/sf**
(Includes any structural, electrical, plumbing and HVAC improvements.)

ACCESSORY STRUCTURE or ACCESSORY ADDITION……...……. **$150 + $0.10/sf**
(Includes any accessory structure greater than 200 sf, or built on a permanent foundation. $200 minimum.)

TENANT FINISH……..…… **$300 + $0.10/sf**

ELECTRICAL UPGRADE…… **$150**

COMMERCIAL KITCHEN HOODS or SPRINKLER SYSTEM…… **$150**

IMPROVEMENT LOCATION – NON-RESIDENTIAL USE……. **$300**
(Non-structural improvements)

SIGN PERMITS:

FREESTANDING SIGN (Ground, pole, or monument sign)……..…….. **$100**

WALL, AWNING, or CANOPY SIGN……. **$50**

PORTABLE or TEMPORARY SIGN……. **$40**

OFF-PREMISES or HIGH-RISE SIGN……..	**$200**

LAND USE PETITIONS:

VARIANCE OF USE…….....	**$400**
VARIANCE OF DEVELOPMENT STANDARDS.....	**$200**
SPECIAL EXCEPTION.....	**$400**
APPEAL OF ADMINISTRATIVE DECISION.....	**$200**
HEARING OFFICER VARIANCE…….....	**$150**
REZONING.....….....	**$500 + $25/acre**
ROADSIDE SUBDIVISION.....	**$125**
SKETCH PLAN FOR MINOR SUBDIVISION.....	**$150**
SKETCH PLAN FOR MAJOR SUBDIVISION.....….....	**$300 + $5/lot**
PRELIMINARY PLAT FOR MINOR SUBDIVISION.....	**$400**
PRELIMINARY PLAT FOR MAJOR SUBDIVISION.....….....	**$600 + $15/lot**
FINAL PLAT FOR MAJOR SUBDIVISION (per section) .....…….....	**$600 + $10/lot**
RESUBDIVISION MINOR SUBDIVISION	**$150**
RESUBDIVISION MAJOR SUBDIVISION	**$150**
VACATION OF PLAT or RIGHT-OF-WAY.....….....	**$150**
PLANNED UNIT DEVELOPMENT (PUD) / SPECIAL TERRAIN DISTRICT (STD)	
PHASE I (SKETCH PLAN).....….....	**$200**
PHASE II (PRELIMINARY MASTER PLAN AND REZONING.).....	**$800**
PHASE III (FINAL MASTER PLAN).....….....	**$500**
PHASE IV (Preliminary and Final approval per Section as outlined above.)	
WAIVER OF SUBDIVISION CONTROL ORDINANCE…….	**$150**
LAND USE VERIFICATION or OTHER PLANNER REVIEW……...	**$50**
CONSTRUCTION PLAN REVIEW, TECHNICAL REVIEW COMMITTEE…….	**$200**

MISCELLANEOUS:

DEMOLITION PERMIT (per structure with building area of 200 sf or greater)…….....	**$150**
TEMPORARY USE PERMIT…….	**$50**
SUBDIVISION INSPECTION FEE…….....	**$75 per hour**
BUILDING RE-INSPECTION FEE…….	**$50 (first)** **$200 (second)** **$300 (third)**

(Building inspection fees for commercial and residential construction are included in the building permit fee. However, any individual inspection that requires more than one trip will be assessed the re-inspection

fee.)

MISSED INSPECTION FEE……..... (assessed per building trade, i.e. structural, electrical, plumbing, or mechanical; requires certificate of compliance)	**$150 per inspection**
STOP WORK ORDER REINSTATEMENT FEE……	**2X original fee or $500, whichever is greater**
FINE FOR CONSTRUCTION UNDER STOP WORK ORDER…….	**$300 per day**
BUILDING PERMIT EXTENSION……. (permits expired for 90 days or longer may be re-instituted one time only)	**50% of original fee**
GOLF COURSE PERMIT…….....	**$100 per green**
NON-BUILDING STRUCTURAL PERMIT……. ……..…	**$150 + $1/ft over 6' height**
WIRELESS COMMUNICATIONS PERMIT…… (new conventional or small facility, or modification to existing facility)	**$100**
CONTRACTOR LISTING……...…	**$150, 1 year $200, 2 years $400, 5 years**
REFUNDABLE DEPOSIT FOR ON-SITE PUBLIC HEARING SIGN……..	**$25, refundable upon return of sign**

PUBLICATIONS:

ZONING ORDINANCE or SUBDIVISION CONTROL ORDINANCE……	**$10**
COMPREHENSIVE PLAN……..	**$35**
ZONING MAP (per township)……..…..….	**$15**
MONTHLY ASSESSORS REPORT……...	**$5**
COUNTY ROAD MAPS…….…….	**$3**

NOTES:

- Permit fees will be tripled if improvement activity takes place prior to obtaining required permits
- All permit and petition fees will be fully waived for governmental agencies
- A nonsufficient funds fee, commensurate with the bank penalty, will be charged where applicable
- All permit and petition fees will be reduced by 50% for registered 501(c)(3) non-profit organizations
- Otherwise, all waivers or refunds of permit and petition fees are determined by the Johnson County Board of Commissioners

(Ord. 2013-13, passed 12-9-2013, amended by Ord. 2016-13, passed 11-14-2016)

CHAPTER 3: INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES

§ 32-6-3-1 AUTHORITY; INSPECTIONS AND INVESTIGATIONS.

(A) All construction activity shall be subject to periodic inspections by the Director, irrespective of whether a building permit has been or is required to be obtained.

(B) The Director may, at any reasonable time, go in, upon, around, or about the premises where any structure subject to the provisions of this article or to the rules of the Fire Prevention and Building Safety Commission is located for the purposes of inspection and investigation of the structure. The inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this article.

(C) Inspections for the County shall consist of following, but shall not limited to:

(1) Footing/post hole inspection: after excavation, prior to placement of concrete;
(2) Foundation: prior to any framing;
(3) Underslab plumbing: prior to covering or pouring floor;
(4) Structural rough in: prior to insulation and drywall;
(5) Electrical rough in: prior to insulation and drywall;
(6) Plumbing rough in: prior to insulation and drywall;
(7) Heating/cooling rough in: prior to insulation and drywall;
(8) Bonding inspection: inspection of pool bond wire(s);
(9) Meter tag inspection: prior to electrical meter placement;
(10) Final occupancy inspection: prior to any usage/occupancy of any dwelling/structure; and
(11) Special inspections: Any inspection of a type or stage of construction as requested or required by the Director (i.e., above ceiling, firestopping, open hole, utility disconnection, and the like).

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-3-2 INSPECTION BY FIRE DEPARTMENTS.

(A) The Director and the local Fire Departments shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws.

(B) The Fire Department has independent authority to conduct inspections and take enforcement actions under I.C. 36-8-17.

(Ord. 2008-02, passed 2-25-2008)

CHAPTER 4: ENFORCEMENT AND PENALTIES

§ 32-6-4-1 WITHHOLD ISSUANCE OF PERMITS.

(A) Whenever an applicant for or obtainer of a building permit owes fees (including checks returned for insufficient funds, and permit and inspection fees owed pursuant to the Johnson County Planning and Zoning Fee Schedule (§32-6-2-5)), or has outstanding issues related to other permits in place, the Director may withhold the issuance of subsequently requested permits until the time that the debt is satisfied.

(B) Whenever a person applies for a building permit for a structure that is not used or constructed in conformance with the applicable zoning ordinance or other ordinance relating to land use, the Director is authorized to withhold the issuance of requested permits until such time that property is brought into conformance with applicable ordinances.

(Ord. 2008-02, passed 2-25-2008, amended by Ord. 2017-O-9, passed 11-6-2017.)

§ 32-6-4-2 PERMIT REVOCATION.

The Director may revoke a building permit when any of the following are applicable:

(A) The application, plans, or supporting documents contain a false statement or misrepresentation as to a material fact;

(B) The application, plans, or supporting documents reflect a lack of compliance with building standards and procedures;

(C) There is a failure to comply with this article; and/or

(D) The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other related land use.

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-4-3 STOP WORK ORDER.

(A) The Director may issue an order requiring suspension of the pertinent construction (stop work order) in accordance with this section.

(B) The stop work order shall:

(1) Be in writing;

(2) Be posted on the property in a conspicuous place; and

(3) If practicable, be given to:

(a) The person doing the construction; and

(b) To the owner of the property or the owner's agent.

(C) The Director may issue a stop work order if:

(1) Construction is proceeding in an unsafe manner, including but not limited to being in violation of any standard set forth in this article or any state laws pertaining to safety during construction;
(2) Construction is occurring in violation of this article or in such a manner that if construction in allowed to progress, there is probability that it will be substantially difficult to correct the violation; and
(3) Construction for which a building permit is required is proceeding without a building permit being in force.

(D) The issuance of a stop work order shall in no way limit the operation of penalties provided elsewhere in this article.

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-4-4 CIVIL ACTION.

Pursuant to I.C. 36-1-6-4, the County may initiate a civil action in a court of competent jurisdiction to restrain any person from violating a provision of this article.
(Ord. 2008-02, passed 2-25-2008)

§ 32-6-4-5 MONETARY PENALTY.

Any person violating any provision of this article may incur fines and penalties, which shall be administered and imposed in the same manner as fines and penalties for a zoning violation as set forth in the Johnson County Zoning Ordinance (§ 6-101-2.J). However, § 6-101-2.J.5.b ("Filing of a Land Use Petition") shall not be available as a remedy.
(Ord. 2008-02, passed 2-25-2008, amended by Ord. 2017-O-9, passed 11-6-2017.)

§ 32-6-4-6 RIGHT TO APPEAL.

(A) Any person aggrieved by an order issued under this article shall have the right to petition for review of any order of the Director.

(B) Such a person may file a petition using either or both of the following procedures:
(1) *Appeal to the Fire Prevention and Building Safety Commission.*
(a) Any person aggrieved by an order issued under this article shall have the right to petition for review of any order of the Director by filing an appeal to the Fire Prevention and Building Safety Commission in accordance with I.C. 22-13-2-7.
(b) The Commission may modify or reverse any order issued by the County that covers a subject governed by I.C. 22-12, I.C. 22-13, I.C. 22-14, and I.C. 22-15, a fire safety or a building rule.

(c) The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 structure if the person aggrieved by the order petitions for review under I.C. 4-21.5-3-7 within 30 days after issuance of the order.

(d) The Fire Prevention and Building Safety Commission may review all other orders issued under this article.

(e) The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court of judicial review of the order.

(2) *Appeal to an established local administrative body or court.* Pursuant to I.C. 36-7-8-9, a person aggrieved by a decision of the Director may appeal as in other civil actions. The appellant must, by registered mail, give the County Board of Commissioners a 15-day written notice of his or her intention to appeal. This notice must concisely state the appellant's grievance. If, pursuant to I.C. 36-1-6-9, the County has established by ordinance a means to hear appeals or orders issued under ordinances, then a person aggrieved by an order may petition for review with the administrative body in accordance with the ordinance. If no such administrative body exists, then the person may petition a court of judicial review of the order.

(Ord. 2008-02, passed 2-25-2008)

CHAPTER 5: MINIMUM CONSTRUCTION STANDARDS

§ 32-6-5-1 ADOPTION OF RULES BY REFERENCE.

(A) Pursuant to I.C. 22-13-2-3 (b), the rules of the State Fire Prevention and Building Safety Commission as set out in I.A.C. Title 675 are hereby incorporated by reference in this Code and shall include any later amendments to those rules, but shall not be limited to:

(1) Article 13 – Building Codes:

(a) Fire and Building Standards;

(b) Indiana Building Code; and

(c) Indiana Accessibility Code.

(2) Article 14 – Indiana Residential Code;

(3) Article 16 – Indiana Plumbing Code;

(4) Article 17 – Indiana Electrical Code;

(5) Article 18 – Indiana Mechanical Code;

(6) Article 19 – Indiana Energy Conservation Code;

(7) Article 20 – Indiana Swimming Pool Code;

(8) Article 22 – Indiana Fire Code;

(9) Article 24 – Indiana Migrant Day Care Nursery Code; and
(10) Article 25 – Indiana Fuel Gas Code.

(B) Two copies of the above building rules incorporated by reference are on file in the office of the County Clerk for public inspection as required by I.C. 36-1-5-4.

(C) The Director and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this article. Pursuant to I.C. 22-13-2-7(b), a variance granted by the Director is not effective until it has been approved by the Fire Prevention and Building Safety Commission.

(Ord. 2008-02, passed 2-25-2008)

CHAPTER 6: UNSAFE BUILDING ORDINANCE

§ 32-6-6-1 TITLE AND SCOPE.

In accordance with Indiana Code ("IC") 36-7-9-1, *et seq.*, this Chapter is established and shall be known as the Unsafe Building Law of Johnson County, Indiana. The provisions of this Chapter apply throughout the unincorporated areas of Johnson County.

(Ord. 2016-10, passed 8-22-2016)

§ 32-6-6-2 ADOPTION BY REFERENCE.

Indiana Code 36-7-9-1 through 36-7-9-28 (collectively "State Code") is hereby incorporated by reference as the Unsafe Building Law of Johnson County, Indiana. All proceedings within Johnson County for the inspection, repair, and removal of unsafe buildings shall be governed by the State Code and by the provisions of this Chapter. In the event the provisions of this Chapter conflict with the State Code, then the provisions of the State Code shall control. The building standards and rules of the Indiana Fire Prevention and Building Safety Commission, as set forth in the Indiana Code and in the Indiana Administrative Code, are adopted as the building standards and rules for matters considered under this Chapter.

(Ord. 2016-10, passed 8-22-2016)

§ 32-6-6-3 DEFINITIONS.

As used in this Chapter, the following terms shall have the following meanings unless clearly contrary to the context:

"Department" means the Johnson County Department of Planning and Zoning.

"Enforcement Authority" means the Director of the Department, or his/her designee.

"Hearing Authority" means the Johnson County Board of Zoning Appeals, acting as the primary hearing board for disputes that arise under this Chapter.

"Sealing a Building" means padlocking the entries to a building or structure and posting the building or structure with a notice that forbids entry to the building or structure and securing all other entry points to the building or structure from entry as prescribed by Section 12 of this Chapter.

"Substantial Property Interest," pursuant to IC 36-7-9-2, means any right in real property that may be affected in a substantial way by actions authorized by this Chapter, including a fee interest, a life estate interest, a future interest, a present possessory interest, or an equitable interest of a contract purchaser.

“Unsafe Building,” pursuant to IC 36-7-9-4, means a building or structure, or any part of a building or structure, which is:

1. in an impaired structural condition that makes it unsafe to a person or property;
2. a fire hazard;
3. a hazard to public health;
4. a public nuisance;
5. dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
6. vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or ordinance.

"Unsafe Premises" means an Unsafe Building and the tract of real property on which the Unsafe Building is located.

(Ord. 2016-10, passed 8-22-2016)

§ 32-6-6-4 ADMINISTRATION, ORDER, AND NOTICE.

The Enforcement Authority shall be authorized to administer the Johnson County Unsafe Building Law and to order any action authorized by IC 36-7-9-5 in accordance with the procedures set forth or incorporated in this Chapter. The Enforcement Authority is authorized to issue an order requiring any remedies described in IC 36-7-9-5. Such order shall contain the information required by IC 36-7-9-5(b), and be issued under the notice provisions of IC 36-7-9-25.

(Ord. 2016-10, passed 8-22-2016)

§ 32-6-6-5 PUBLIC NUISANCE.

All buildings, structures, or portions thereof which are determined after inspection by the Enforcement Authority to be unsafe, as defined in this ordinance, are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal.

(Ord. 2016-10, passed 8-22-2016)

§ 32-6-6-6 HEARING AND REVIEW.

Hearing and review are provided as set forth in IC 36-7-9-7 and IC 36-7-9-8. A hearing is not required to carry out an order to seal, cause extermination of vermin within, remove trash or debris from, or repair or rehabilitate an Unsafe Building. Such orders become final ten (10) days from issuance, unless a person holding a fee interest, life estate interest, or equitable interest of a contract purchaser in the Unsafe Premises submits a written request for a hearing. A hearing is required for all other orders issued under IC 36-7-9-5.

(Ord. 2016-10, passed 8-22-2016)

§ 32-6-6-7 EMERGENCY ORDERS.

Emergency action in order to protect life, safety, or property may be taken without issuing an order or giving notice, but shall be taken in accordance with IC 36-7-9-9. The action is limited to the abatement of any immediate danger. The County may recover the costs arising from an emergency action pursuant to IC 36-7-9-9, IC 36-7-9-12 through 13.5, and IC 36-7-9-22.

(Ord. 2016-10, passed 8-22-2016)

§ 32-6-6-8 MANNER AND PERFORMANCE; STANDARD OF WORK.

The manner of performance of work, including bids and notifications, must be in accordance with IC 36-7-9-11. All work for reconstruction, alteration, repair, or demolition of buildings or other structures, and for the removal of trash and debris from an Unsafe Premises, shall be performed in a good, workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in IC 22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission (675 IAC), including 675 Indiana Administrative Code 12-4-9 and 675 Indiana Administrative Code 12-4-11(a), shall be considered standard and acceptable practice for all matters covered by this Chapter or orders issued pursuant to this Chapter by the Enforcement Authority.

(Ord. 2016-10, passed 8-22-2016)

§ 32-6-6-9 COSTS.

The cost of the work performed under this Chapter shall be the responsibility of the persons who hold a fee interest, life estate interest, or equitable interest of a contract purchaser in the Unsafe Premises. Costs shall be determined on the basis of the factors listed in IC 36-7-9-12. Objections and requests for a hearing on bills submitted to responsible parties may be filed in any Johnson County court of competent jurisdiction. Unpaid costs are subject to the procedure in IC 36-7-9-13, and may result in a judgment against the real or personal property of the persons who are responsible for the costs.

(Ord. 2016-10, passed 8-22-2016)

§ 32-6-6-10 UNIFORM STANDARDS FOR SEALING AN UNSAFE BUILDING.

Pursuant to Indiana Code 36-7-9-5(a)(2) and 36-7-9-5(a)(8), this Section hereby establishes a uniform standard for sealing an Unsafe Building against intrusion by unauthorized persons when such an order is issued by Enforcement Authority:

(A) All openings of a building shall be closed.

(B) Openings that are more than one (1) square foot in area and located less than twenty feet (20') above the ground or that are accessible from a part of the building such as a fire escape or other means of access shall be secured by the following means:

(1) Plywood or oriented strand board, covered with a weatherproofing substance such as exterior paint or varnish, similar in color to the exterior of the building and cut to the inside dimension of the exterior of the opening, shall be placed in all openings in such a way that no portion of the plywood or oriented strand board extends outside the existing frame.

(a) The plywood or oriented strand board shall be placed against any existing exterior window slide trim or a furring strip.

(b) If there is no slide trim or furring strip, an equivalent block shall be installed.

(c) The slide trim, furring strip, or block shall be sufficient to prevent the plywood or oriented strand board from being pushed inward.

(d) The plywood or oriented strand board shall be affixed to the exterior frame by use of two and three-quarters-inch (2 ¾") or longer ring nails spaced a maximum of eight inches (8") apart.

(2) Where the inside dimension of the opening exceeds twenty-six (26) square feet in area, additional exterior support shall be provided by placing continuous pieces of nominal two-inch by four-inch (2" x 4") framing grade lumber on the outside of the plywood or oriented strand board in such a manner that every carriage bolt used in the opening passes through and joins such a piece of nominal two-inch by four-inch (2" x 4") lumber, the plywood or oriented strand board and the interior brace.

(a) The round head of the bolt shall be on the outside of such pieces of nominal two-inch by four-inch (2" x 4") lumber that gives exterior support.

(b) The pieces of nominal two-inch by four-inch (2" x 4") framing grade lumber shall be covered with a weatherproofing substance such as exterior paint or varnish, similar in color to the exterior of the building.

(3) In case of a ground level door, the following method of securing shall be used:

(a) The door shall be placed in good repair including, but not limited to, closing any openings in the door, repairing hinges on the door, and providing for an adequate closure to the opening; and

(b) The door shall be locked by the use of not less than two (2) hasp locks and padlocks to be located equidistant from the top and bottom casing and each other.

(c) If no door exists, or if it is impractical to repair the existing door, the opening shall be secured in the manner described in this subsection, substituting, however, a piece of plywood or oriented strand board for the door. The plywood or oriented strand board shall be covered with a weatherproofing substance such as exterior paint or varnish, similar in color to the exterior of the building.

(C) Any opening that is less than one (1) square foot in area or that is both more than twenty feet (20') above the ground and not accessible from a part of the building shall be covered so as to prevent the entry of birds, rats, or other animals and shall be made weather tight. The covering shall be painted in color similar to the exterior of the building.

(D) The materials used to secure the openings of a building pursuant to these standards shall meet the following specifications:

(1) Plywood or oriented strand board: no less than one-half-inch (1/2") exterior grade;

(2) Braces: no less than nominal two-inch by four-inch (2" x 4") framing grade lumber; and

(3) Bolts: no less than three-eighths-inch (3/8") carriage bolts.

The Enforcement Authority may allow the use of other materials and methods of securing openings, including the use of existing doors, if it is shown that, as related to the particular circumstances, the objectives of these standards would be met by the use of such materials and methods.

(Ord. 2016-10, passed 8-22-2016)

§ 32-6-6-11 INSPECTION WARRANTS.

The Enforcement Authority may obtain an inspection warrant from any Johnson County court of competent jurisdiction in cases when the owner or possessors refuse the Enforcement Authority permission to inspect as provided in IC 36-7-9-16.

(Ord. 2016-10, passed 8-22-2016)

§ 32-6-6-12 ENFORCEMENT; VIOLATIONS.

The Enforcement Authority and Hearing Authority may seek civil penalties from any person charged with violating this Chapter in accordance with IC 36-7-9-7(e) and IC 36-7-9-7.5. The Enforcement Authority may bring a civil action in any Johnson County court of competent jurisdiction seeking any remedy authorized by State Code, including, but not limited to, an injunction, a performance bond, a request that the Court to impose a civil penalty of up to Five Thousand Dollars ($5,000.00), and appointment of a receiver.

A person who:

(A) remains in, uses, or enters a building in violation of this Chapter;
(B) knowingly interferes with or delays the carrying out of an order made under this section;
(C) knowingly obstructs, damages, or interferes with persons engaged or property used in performing any work or duty under this Chapter; or
(D) fails to provide full information regarding the issuance of an order in the event of a transfer, pursuant to IC 36-7-9-27

commits a Class C infraction, and shall be subject to a fine not to exceed Five Hundred Dollars ($500.00) for each offense. Each day the violation continues shall constitute a separate offense.

(Ord. 2016-10, passed 8-22-2016)

§ 32-6-6-13 SEVERABILITY.

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

(Ord. 2016-10, passed 8-22-2016)

CHAPTER 7: IMPACT FEE ORDINANCE

§ 32-6-7-1 CONDITIONAL REPEAL AND LIMITATION ON IMPOSITION OF IMPACT FEE

This Ordinance shall expire and become void five (5) years after its effective date, as required by Ind. Code § 36-7-4-1340, unless action is undertaken to replace it consistent

with the provisions of Indiana law, which contemplates a replacement impact fee ordinance.
(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-2 ESTABLISHMENT OF IMPACT ZONE

(A) There is hereby established for the County a road and street infrastructure Impact Zone (as defined in Ind. Code § 36-7-4-1307), the borders of which are depicted on **Exhibit A,** available at https://www.jchighway.com/_files/ugd/945f92_be6183fc26b344df8e30f68b21749b9b.pdf and incorporated herein. The Town has planning and zoning jurisdiction over the area within the Town limits depicted on Exhibit A. The Board specifically finds that there is a functional relationship between the components of the road and street thoroughfare element of the Zone Improvement Plan and that such road and street improvement recommendations provide a reasonably uniform benefit to all of the citizens of the County throughout the Impact Zone as of the effective date of this Ordinance. The Board further finds that all areas within the Impact Zone are contiguous, as required by Ind. Code § 36-7-4-1316.

(B) Except as provided below, this Ordinance shall apply uniformly to all developments within the Impact Zone hereby established for which the County may require a structural building permit and which create a need for new or additional road and street infrastructure. This Ordinance shall not apply to:
  (1) Development meeting the requirements set forth in Ind. Code § 36-7-4-1322(g);
  (2) Improvements which do not require a structural building permit;
  (3) As set forth in Ind. Code § 36-7-4-1314(b), improvements which do not create a need for new or additional road and street infrastructure, including the erection of a sign, construction of a fence, or interior renovation of a building not resulting in a change in use.
  (4) The in-kind replacement of a destroyed or partially destroyed improvement; provided, however, that the replacement does not create a need for new and additional road and street infrastructure over and above the infrastructure needed for the original improvement prior to the destruction or partial destruction thereof, based on the development calculation outlined in Section (3)(a) of this Ordinance.

(C) The Board hereby makes as a part of the record of these proceedings all of the data collected, calculations made, and conclusions reached by A&F in the process of developing the Zone Improvement Plan, and specifically instructs the employees of the County to make such data and all other information gathered and used in preparing the Zone Improvement Plan publically available as a public record of the County for review during the Town's regular business hours. The Board makes the specific finding that this Ordinance is the result of the advice it received from A&F.

(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-3 ESTABLISHMENT OF IMPACT FEE.

(A) Based upon the analyses contained in the Zone Improvement Plan, the Board finds, determines, establishes, and adopts the Impact Fee schedule attached hereto as **Exhibit B** and incorporated herein (available at https://www.jchighway.com/_files/ugd/945f92_1c5a588ce39840888570c00d1104e64f.pdf). This equates to $2,571.64 per single-family detached residence, of which $2,531.52 is the calculated Road Impact Fee and $40.12 is the calculated Culvert/Bridge Impact Fee, and this amount is hereby adopted as the Impact Fee for the Impact Zone. For other types of development, the numbers of twenty-four (24) hour trips are to be based upon calculations taken from the latest version of the ITE Trip Generation Manual, a study published by the Institute of Transportation Engineers ("ITE").

(B) In the event that any parcel of real estate developed at the time of the adoption of this Ordinance undergoes a change in use, redevelopment, or modification, which requires an improvement location permit, and creates a need for new infrastructure, an Impact Fee will only be assessed for the increase in the burden on infrastructure based on the latest ITE.

(C) If the applicant has appealed the Impact Fee to the Appeal Board, the County shall not deny the issuance of a structural building permit on the basis that the Impact Fee has not been paid or condition issuance of the permit on the payment of the Impact Fee. If the Impact Fee totals One Thousand Dollars ($1,000) or less, the County may require the fee payer to pay the Impact Fee or initiate an appeal under Section 8 before the structural building permit is issued.

(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-4 CREDIT IN LIEU OF PAYMENT; EXEMPTIONS.

(A) Any person or entity obligated to pay a fee pursuant to the terms of this Ordinance may have the option of financing, constructing, and dedicating actual road and street thoroughfare infrastructure instead of paying all or part of the Impact Fee, which may be due, so long as such financing, construction, and dedication:

(1) Are accomplished pursuant to the Thoroughfare plan of the County, and the ordinances and standards of the Town;

(2) Are made in accordance with the road and street specifications for such road or street to be improved in force within the Impact Zone at that time; and

(3) Are approved by the appropriate jurisdiction.

Such fee payer, or other person or entity providing the infrastructure or improvement, may be given credit upon a verified certification from a registered engineer, architect, or contractor of the actual costs of planning, financing, construction, and dedicating such road and street thoroughfare improvements or infrastructure to the appropriate jurisdiction County. Such certification shall be

presented prior to the issuance of any structural building or improvement location permit. In the event the actual cost of such planning, financing, construction and dedication do not equal the amount of the Impact Fee due pursuant to the calculation provided for in the schedule set forth in Section 3 hereof, the remaining balance shall be due by such fee payer to the County in accordance with the provisions of this Ordinance.

(B) Credits against Impact Fees otherwise due shall be allowed pursuant to this Section 4 for all infrastructure and improvements constructed or furnished in accordance with Ind. Code §§ 36-7-4-1313 and 1335. A fee payer or other person or entity responsible for installing infrastructure or improvements may designate in writing a method of allocating its credits to future fee payers who may be successors in interest to the credits earned by the fee payer or others, as part of the certification provided above.

(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-5 IMPACT FEE DUE UPON ISSUANCE OF STRUCTURAL BUILDING PERMIT.

(A) The Impact Fee imposed pursuant to the terms of this Ordinance shall be due and payable upon the issuance of a structural building permit by the County. It is understood that a structural building permit is synonymous with the term "structural building permit" as used in Ind. Code § 36-7-4-1323, in that the issuance of a structural building permit authorizes the applicant to commence construction activities, structural and otherwise. The entire Impact Fee, which is calculated pursuant to the terms of this Ordinance shall be due at the time of permit issuance unless the amount of the fee upon calculation is greater than Five Thousand Dollars ($5,000), in which case an installment plan may be requested by the applicant in accordance with the terms of Ind. Code § 36-7-4-1324.

(B) The Johnson County Impact Fee Review Board (the "Review Board"), as identified in Section 8 herein, shall establish specific terms for installment payments consistent with Indiana law. The interest rate on any installment plan or deferred payment shall not exceed the pre-judgment rate of interest set forth in the Indiana Code. Interest shall only accrue on the portion of the impact fee that is outstanding and does not begin to accrue until the date the structural permit is issued for the development or the part of the development on which the Impact Fee is imposed as provided for in Ind. Code 36-7-4-1324(c).

(C) If a fee payer fails to pay all or part of an installment payment when due and payable the County may impose a penalty in an amount equal to 10% of the installment payment that is overdue. Further the County may impose interest on the penalty amount at the pre-judgment rate of interest set forth in the Indiana Code. The amount of the installment payment shall be increased on the first pay that installment payment is overdue.

(D) If a fee payer so requests, the amount of the Impact Fee shall be assessed upon the voluntary submission of a development plan or upon the issuance of the structural building permit, whichever is earlier. For purposes of this Section 5,

"assessment" means the act of calculating the amount of the Impact Fee, which shall be due. The County shall make such assessment within thirty (30) days of the date of such voluntary request or at the issuance of the structural building permit with or without a request.

(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-6 LIEN RIGHTS ESTABLISHED.

Pursuant to Ind. Code § 36-7-4-1325, the County acquires a lien against the real estate which is subject to the Impact Fee on the date the structural building permit is issued. Upon final adoption, this Ordinance shall be recorded and, thereafter, it shall constitute constructive notice of the lien rights of the County. The County may, in its discretion, file a specific instrument setting forth its statutory lien rights with respect to a parcel of real estate, which is the subject of an installment payment of an Impact Fee, and such instrument shall constitute actual notice in addition to the constructive notice provided for by the recording of this Ordinance.

(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-7 FORM OF RECEIPT.

The Johnson County Department of Planning and Zoning shall issue a receipt for any and all Impact Fees collected, and shall include the following information:

(A) Fee Payer;
(B) Date;
(C) Payment amount;
(D) Real estate location;
(E) Remaining balance (if any).

(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-8 APPEALS; JOHNSON COUNTY IMPACT FEE REVIEW BOARD.

(A) The County hereby establishes the Johnson County Impact Fee Review Board. Members shall be appointed in accordance with Ind. Code § 36-7-4-1338, and shall serve terms coterminous with this Ordinance. Members may be re-appointed.

(B) Any fee payer who believes itself to be aggrieved by the calculation of the Impact Fee may appeal from such calculation to the Review Board and the Review Board shall conduct a hearing with regard thereto. At such hearing, the fee payer shall bear the burden of presenting either of the following propositions:

(1) A fact assumption used in determining the amount of the Impact Fee is incorrect; or
(2) The amount of the Impact Fee is greater than the amount allowed under Ind. Code §§ 36-7-4-1320, 1321, and 1322.

(C) An appeal under this Section 8 shall be filed not later than thirty (30) days after the issuance of the structural building permit. The appeal shall be initiated with the filing of a Petition for Review with Johnson County Planning & Zoning,

together with a filing fee in the amount of One Hundred Dollars ($100). The filing fee shall be refunded in full:

(1) if the Petition for Review is granted and the Impact Fee is eliminated, reduced, or adjusted by the Review Board, by independent action of the County, or by a court having jurisdiction; or

(2) if the reviewing body determines that the amount of the fee, reductions, or credits was arbitrary or capricious.

(D) The Review Board shall prescribe a form for the Petition for Review, which shall be clear to a layperson and at minimum shall require the Petitioner to describe the new development on which the Impact Fee has been assessed, all facts relating to the assessment of the Impact Fee, and the reasons petitioner believes that the amount of the Impact Fee assessed is erroneous or is greater than the amount allowed by the fee limitations set forth in the enabling statute.

(E) The Review Board shall prescribe a form upon which the County shall respond to a Petition for Review, which shall require the County to indicate:

(1) agreement or disagreement with each item indicated on the petition for review under subsection (c), above; and

(2) the reasons the County believes that the amount of the fee assessed is correct.

(F) Immediately upon the receipt of a timely filed Petition for Review, the Review Board shall provide a copy of the Petition for Review to the County. The County shall not later than thirty (30) days after the receipt of the Petition for Review provide to the Review Board its Response. The board shall immediately forward a copy of the response form to the petitioner.

(G) Upon conclusion of the presentation of evidence, the Review Board shall make a determination within not more than thirty (30) days, upon the facts presented and may make such adjustments in the Impact Fee as they believe are appropriate under the circumstances, if any. An aggrieved Petitioner may appeal to the Johnson County Circuit or Superior Courts for a trial de novo, in accordance with Ind. Code § 36-7-4-1333(g).

(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-9 ROAD AND STREET IMPACT FUND.

(A) The County has established a Road and Street Impact Fee Fund (the “Fund”) in compliance with Ind. Code § 36-7-4-1329.

(B) Pursuant to Ind. Code § 36-7-4-1332(e), the Director of Planning and Zoning is designated as the official responsible for acting upon refund requests. In order to facilitate refunds when they may be due, the Director of Planning and Zoning is directed to identify the purpose of any Impact Fee paid in order that a refund, if any, may be paid from the Fund or account into which the fee was originally deposited.

(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-10 USE OF IMPACT FEES COLLECTED PURSUANT TO THIS ORDINANCE.

The Town and County have entered into an interlocal agreement concerning the maintenance of certain roads within the Town limits by Johnson County. A copy of the Interlocal Agreement for Road Maintenance is attached hereto, made a part hereof and marked as **Exhibit C** (available at https://www.jchighway.com/_files/ugd/945f92_6142c24a321943f3b5eadd78f0a46568.pdf). Any and all fees collected pursuant to the provisions of this Ordinance may be utilized for the purposes identified in Ind. Code § 36-7-4-1330, only by the Town in coordination with Johnson County. For the purpose of this Ordinance, Johnson County is identified as the "infrastructure agency" contemplated by Ind. Code § 36-7-4-1317. The Town and County have entered into an Interlocal Agreement concerning the use of the Impact Fees. A copy of which is available at https://www.jchighway.com/_files/ugd/945f92_596c6e1434ef452a93b66d0fa661bcd6.pdf, made a part hereof and marked as **Exhibit D**.
(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-11 1300 SERIES IMPACT FEES.

The Board specifically acknowledges the existence of Ind. Code §§ 36-7-4-1300 through 36-7-4-1342 (the "1300 Series") which regulates the imposition of Impact Fee ordinances by municipal corporations within the State of Indiana. It is the intent of the Board to comply with this law, and this Ordinance shall be construed in all respects to be consistent with it.

The substantive and procedural requirements of the 1300 Series shall control in the event of any conflicts with this Ordinance.
(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-12 EFFECTIVE DATE.

This Ordinance shall be effective on August 9, 2021, at least six (6) months following its adoption as required by Indiana law.
(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-13 SAVINGS CLAUSE.

If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.
(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

§ 32-6-7-14 CONSTRUCTION OF CLAUSE HEADINGS.

The clause headings appearing herein have been provided for convenience and reference and do not purport to and shall not be deemed to define, limit or extend the scope or intent of the clause to which they pertain.
(Ord. 2020-O-11, passed 1-28-2021, effective 8-9-2021)

ARTICLE 7: CORNER MONUMENT REMOVAL OR ALTERATION

Chapter 1: General Provisions

32-7-1-1 Damage to Corner Marker Prohibited.
32-7-1-2 Compliance Prior to Corner Marker Alteration.
32-7-1-3 Conditions Permitting Temporary Removal.
32-7-1-4 Monument Location.
32-7-1-5 Monumentation Compliance.
32-7-1-6 Right-of-Way Notification Required.
32-7-1-7 Failure to Comply.
32-7-1-8 Violation.
32-7-1-9 Contesting a Violation.
32-7-1-10 Deposit of Fines.
32-7-1-11 Conflict.

CHAPTER 1: GENERAL PROVISIONS

§ 32-7-1-1 DAMAGE TO CORNER MARKER PROHIBITED.

No person or entity shall damage a monument marking a section corner.
(Ord. 2018-O-1, passed 1-22-2018, effective 2-1-2018)

§ 32-7-1-2 COMPLIANCE PRIOR TO CORNER MARKER ALTERATION.

No person shall move, change, or otherwise alter a monument marking a section corner before complying with this Chapter.
(Ord. 2018-O-1, passed 1-22-2018, effective 2-1-2018)

§ 32-7-1-3 CONDITIONS PERMITTING TEMPORARY REMOVAL.

A person or entity may, for construction, excavation, mineral extraction, or another business purpose, including the activities described in subsection (F) of this ordinance, temporarily remove a monument marking a corner, bench mark, or HARN, so long as the following conditions are met:

(A) The person or entity must notify in writing the Johnson County Surveyor at least fifteen (15) business days before changing, obscuring, or removing the monument.
(B) The person or entity shall, within a reasonable time, either:
(1) Under supervision of the County Surveyor's Office, replace the monument at the person or entity's expense utilizing a registered land surveyor (IC § 25-21.5); or
(2) Execute a written agreement with the County Surveyor for the replacement of the monument.

The person or entity shall reimburse the County for the cost of such supervision, or replacement by the County Surveyor's Office. The Surveyor shall file a copy of the notice in the corner record book or bench mark registry.
(Ord. 2018-O-1, passed 1-22-2018, effective 2-1-2018)

§ 32-7-1-4 MONUMENT LOCATION.

Only the County Surveyor or his or her designee may change the location of a monument. A person or entity who wishes to have the location of a monument changed must make a request to the County Surveyor in writing and furnish written approval of all landowners whose property is affected by the proposed change. The County Surveyor may approve, reject, or modify the request and shall file a copy thereof in the corner record book or bench mark registry.
(Ord. 2018-O-1, passed 1-22-2018, effective 2-1-2018)

§ 32-7-1-5 MONUMENTATION COMPLIANCE.

All monumentation shall comply with the rules and specifications of the Johnson County Surveyor.
(Ord. 2018-O-1, passed 1-22-2018, effective 2-1-2018)

§ 32-7-1-6 RIGHT-OF-WAY NOTIFICATION REQUIRED.

When, in the construction or maintenance of a state, or county, or municipal road, street, right-of-way, or easement, it becomes necessary for a person or entity to remove or bury a monument marking a corner, the owner of the public right-of -way shall notify the County Surveyor in writing at least fifteen (15) days before commencing the work.
(Ord. 2018-O-1, passed 1-22-2018, effective 2-1-2018)

§ 32-7-1-7 FAILURE TO COMPLY.

Any person or entity failing to comply with this Chapter prior to moving, changing, or otherwise altering a monument shall reimburse the County for the cost of repairing or replacing the monument. Additionally, any person or entity found in violation of any provision of this Chapter shall be subject fines not less than $1,000.00 for each violation, plus damages, expenses, costs, and legal fees.
(Ord. 2018-O-1, passed 1-22-2018, effective 2-1-2018)

§ 32-7-1-8 VIOLATION.

The Johnson County Surveyor may issue a citation for an ordinance violation under this Section. Failure to remit payment within thirty (30) days for a citation issued under this Section may result in late fees, penalties, interest, and/or judicial action.
(Ord. 2018-O-1, passed 1-22-2018, effective 2-1-2018)

§ 32-7-1-9 CONTESTING A VIOLATION.

Those seeking to contest a citation issued under this Chapter shall notify the Johnson County Surveyor within ten (10) days of the date of the citation. The Johnson County Surveyor may then file the ordinance violation in the Johnson County courts in compliance with the case allocation plan.
(Ord. 2018-O-1, passed 1-22-2018, effective 2-1-2018)

§ 32-7-1-10 DEPOSIT OF FINES.

All fines imposed for violations of this Chapter shall be deposited in the Johnson County Surveyor's Corner Perpetuation Fund #1202.
(Ord. 2018-O-1, passed 1-22-2018, effective 2-1-2018)

§ 32-7-1-10 CONFLICT.

This Chapter does not repeal any prior ordinance and is in addition to the existing ordinances and is to be interpreted in harmony therewith. If there are any conflicts with prior ordinances, the provisions of this Chapter shall supersede such conflicting provisions.
(Ord. 2018-O-1, passed 1-22-2018, effective 2-1-2018)

ARTICLE 8: TOY VEHICLES AND RECREATIONAL VEHICLES

Section

Chapter 1: General Provisions

32-8-1-1 Title.
32-8-1-2 Findings and Purpose
32-8-1-3 Definitions
32-8-1-4 Prohibition of Toy Vehicles and Recreational Vehicles in or Around Public Facilities Owned or Leased by Johnson County
32-8-1-5 Toy Vehicles and Recreational Vehicles Use Permitted at Park and Fairgrounds

32-8-1-6 Posting of Signs
32-8-1-7 Penalties
32-7-1-1 Severability

CHAPTER 1: GENERAL PROVISIONS

§ 32-8-1-1 TITLE.

This ordinance shall be known as the Toy Vehicle and Recreational Vehicle Ordinance of Johnson County, Indiana.
(Ord. 2000-03, passed 6-5-2000; amended by Ord. 2020-O-06, passed 7-13-2020)

§ 32-8-1-2 FINDINGS AND PURPOSE.

The Board of Commissioners of Johnson County does hereby find that:

The use of certain toy vehicles and recreational vehicles on County property is a cause of physical damage to the County infrastructure; and

The use of certain toy vehicles and recreational vehicles on County property increases the County's exposure to lawsuits for injuries incurred by or caused by operators of such equipment; and

The Board of Commissioners finds that the presence of such toy vehicles and recreational vehicles on certain real property and within certain buildings owned by Johnson County is detrimental; and

The Board of Commissioners finds that the regulation of use of such toy vehicles and recreational vehicles on certain real property and within certain buildings under the jurisdiction of the Board is necessary to protect the health, welfare, comfort and environment of our citizens;

Accordingly, the Board of Commissioners of Johnson County find and declare that the purposes of this ordinance are to protect the public health and welfare by prohibition the possession and operation of certain toy vehicles and recreational vehicles in and around facilities owned or leased by Johnson County.
(Ord. 2000-03, passed 6-5-2000; amended by Ord. 2020-O-06, passed 7-13-2020)

§ 32-8-1-3 DEFINITIONS.

"Toy vehicles and recreational vehicles" means coasters, roller stakes, in-line roller skates, skateboards, bicycles, tricycles, motorized bicycles and other similar toy vehicles.
(Ord. 2000-03, passed 6-5-2000; amended by Ord. 2020-O-06, passed 7-13-2020)

§ 32-8-1-4 PROHIBITION OF TOY VEHICLES AND RECREATIONAL VEHICLES IN OR AROUND PUBLIC FACILITIES OWNED OR LEASED BY JOHNSON COUNTY.

Toy vehicles and recreational vehicles shall be prohibited:

On any real property owned by the County of Johnson, except real property surrounding residences leased from the County and real property leased from the County, on which the lessor or lessee has installed a bicycle rack for bicycle and tricycle parking. Bicycles and tricycles shall be permitted in the immediate vicinity of the bicycle rack.

Within any structure owned by the County of Johnson, except private residents leased from the County;

Within any structure leased by the County of Johnson, providing that this prohibition shall apply only to those areas of the structure actually being leased by the County.

Polling places.
(Ord. 2000-03, passed 6-5-2000; amended by Ord. 2020-O-06, passed 7-13-2020)

§ 32-8-1-5 TOY VEHICLES AND RECREATIONAL VEHICLES USE PERMITTED AT PARK AND FAIRGROUNDS.

Toy vehicles and recreational vehicles may be possessed and operated on any property owned by Johnson County which property is being leased and managed by the Johnson County Parks Board for the Johnson County Fair Board.
(Ord. 2000-03, passed 6-5-2000; amended by Ord. 2020-O-06, passed 7-13-2020)

§ 32-8-1-6 POSTING OF SIGNS.

Signs indicating the prohibition of the use of toy vehicles and recreational vehicles shall be clearly, sufficiently and conspicuously posted at reasonable intervals where activity is prohibited by this ordinance, by the public official having control over such building or other area.
(Ord. 2000-03, passed 6-5-2000; amended by Ord. 2020-O-06, passed 7-13-2020)

§ 32-8-1-7 PENALTIES.

Persons violating the provisions of this ordinance shall be subject to the penalty imposed for a Class C infraction, as set forth in Indiana Code 34-28-5-4(c). Accordingly, this ordinance shall be enforced by the provisions of Indiana Code 34-28-5.
(Ord. 2000-03, passed 6-5-2000; amended by Ord. 2020-O-06, passed 7-13-2020)

§ 32-8-1-7 SEVERABILITY.

If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given affect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.
(Ord. 2000-03, passed 6-5-2000; amended by Ord. 2020-O-06, passed 7-13-2020)

TITLE 33: COUNTY COURTS

Article
1. INGRESS TO AND EGRESS FROM COUNTY COURTHOUSE

ARTICLE 1: INGRESS TO AND EGRESS FROM COURTHOUSE

Section

Chapter 1: General Provisions
33-1-1-1 Limiting ingress to and egress from the courthouse

CHAPTER 1: GENERAL PROVISIONS

§ 33-1-1-1 LIMITING INGRESS TO AND EGRESS FROM THE COURTHOUSE.

(A) All ingress into the County courthouse by employees other than maintenance staff shall be via their electronic code through the lower south door or utilization of the lower north door or upper west door.
(B) All ingress by the general public shall be through the upper west door or the lower north door.
(C) All egress from the County courthouse by the general public shall be through the lower north door or the upper west door.
(D) The employees of the County may egress from the County courthouse through the lower south door, lower north door, and the upper west door.
(E) It will be a violation of this section for individuals to leave open doors by "propping" doors open or for any individual to open a door for a non-employee in order for any non-employee to by-pass security.

(F) Violation of this section shall subject the violator to an ordinance ticket subject to a fine not to exceed $200, plus court costs.
(Ord. 2007-06, passed 6-4-2007)

TITLE 34: TOWNSHIPS

[RESERVED]

TITLE 35: CRIMINAL LAW AND PROCEDURE

Article

1.	**FAIRGROUNDS; ALCOHOL**
2.	**WEAPONS AND FIREARMS**
3.	**SYNTHETIC CANNABINOIDS**
4.	**TRAFFIC REGULATION; FAIRGROUNDS**

ARTICLE 1: FAIRGROUNDS; ALCOHOL

Section

Chapter 1: General Provisions
35-1-1-1 *Repealed.*
35-1-1-2 *Repealed.*
35-1-1-3 *Repealed.*
35-1-1-4 *Repealed.*

CHAPTER 1: GENERAL PROVISIONS

§ 35-1-1-1 FINDINGS AND PURPOSE.

Repealed.
(Ord. 2017-O-5, passed 7-10-2017)

§ 35-1-1-2 DEFINITIONS.

Repealed.

(Ord. 2017-O-5, passed 7-10-2017)

§ 35-1-1-3 POSSESSION; CONSUMPTION.

Repealed.
(Ord. 2017-O-5, passed 7-10-2017)

§ 35-1-1-4 PENALTIES.

Repealed.
(Ord. 2017-O-5, passed 7-10-2017)

ARTICLE 2: WEAPONS AND FIREARMS

Section

Chapter 1: General Provisions
35-2-1-1 Definitions
35-2-1-2 Restrictions
35-2-1-3 Exceptions
35-2-1-4 Penalty
35-2-1-5 Effective date
Chapter 2: Weapons Discharge Ordinance
35-2-2-1 Definitions
35-2-2-2 Discharge of Weapons Prohibited
35-2-2-3 Exceptions
35-2-2-4 Penalty
35-2-2-5 Joint and Several Liability
Chapter 3: The Right to Keep and Bear Arms
35-2-3-1 Prohibition on Federal Infringement of the Right to Keep and Bear Arms

CHAPTER 1: GENERAL PROVISIONS

§ 35-2-1-1 DEFINITIONS.

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

DEADLY WEAPON.

(1) A loaded or unloaded firearm; or

(2) Weapon, device, taser as defined by I.C. 35-47-8-3, or electronic stun gun as defined by I.C. 35-47-8-1, equipment, chemical substance (excluding mace), knife, explosives, or other material that in the manner it is used, could ordinarily be used, or is intended to be used is readily capable of causing serious bodily injury.

FIREARM. Any weapon which is capable of or designed to or that may be readily converted to expel a projectile by means of explosion.

SERIOUS BODILY INJURY. Bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss, or impairment of the functions of a bodily member or organ as defined by I.C. 35-41-1-25.

(Ord. 95-19, passed 6-26-1995)

§ 35-2-1-2 RESTRICTIONS.

Except as provided in § 35-2-1-3 below, a person shall not possess on or about his or her person a deadly weapon or firearm within any building under the jurisdiction of the County Board of Commissioners:

Johnson County Courthouse
5 East Jefferson Street
Franklin, Indiana

Johnson County North Annex
34 West Jefferson Street
Franklin, Indiana

Johnson County Juvenile Detention Center
1121 Hospital Road
Franklin, Indiana

(Ord. 95-19, passed 6-26-1995, as amended effective 7-1-2011 to conform with I.C. 35-47-11.1.)

§ 35-2-1-3 EXCEPTIONS.

Section 35-2-1-2 above does not apply to law enforcement officers as defined by I.C. 35-41-1-17; State Department of Correction officers, duly elected or appointed judicial or

probation officers, Community Corrections staff, or employees of the United States duly authorized to carry deadly weapons or firearms. The persons described in this section as being exempt from the provisions of this chapter shall not be exempt if they, or any of them, are a party to any proceeding taking place in court. Officers not on regular duty, but who may be in the courthouse on special assignment, or on business not associated with their official duties, shall also be exempt from the ordinance unless they, or any one of them, come within the provision of the second sentence of this section.
(Ord. 95-19, passed 6-26-1995)

§ 35-2-1-4 PENALTY.

Any person violating the provisions of § 35-2-1-2 above shall be subject to the penalty imposed for a Class C infraction as provided in I.C. 34-4-32-4(c) and be subject to having the deadly weapon or firearm confiscated by the proper law enforcement officials and shall be eligible to retrieve the deadly weapon or firearm after a waiting period of 48 hours. This article shall be enforced pursuant to the provisions of I.C. 34-4-32.
(Ord. 95-19, passed 6-26-1995)

§ 35-2-1-5 EFFECTIVE DATE.

This article shall be in full force and effect from and after June 26, 1995.
(Ord. 95-19, passed 6-26-1995)

CHAPTER 2: WEAPONS DISCHARGE ORDINANCE

§ 35-2-2-1 DEFINITIONS

For the purposes of this chapter, the following definitions apply:

(A) WEAPON. Any handgun, rifle, shotgun, or other firearm capable of or designed to or that may be readily converted to expel a projectile by explosion, or a bow or crossbow capable of or designed to or that may readily be converted to shoot an arrow or projectile by any means.
(B) DISCHARGE. To shoot or fire a weapon.
(C) STRUCTURE: Any building or place with sides and a floor that is being used for human residence, business, lodging, or storage.

§ 35-2-2-2 DISCHARGE OF WEAPONS PROHIBITED

Except as provided herein, anyone who discharges a weapon in unincorporated Johnson County is responsible for the projectile discharged. Discharging a weapon, the projectile

of which travels:

(A) across or upon any public street, sidewalk or alley;

(B) across or upon a public park, public school or public school property;

(C) across or upon the property of another without the property owner's permission; or

(D) within 500 feet of an occupied structure without the structure owner's permission;

is prohibited.

§ 35-2-2-3 EXCEPTIONS

This chapter does not apply to

(A) the discharge of weapons in defense of one's life or property or to kill a dangerous or destructive animal;

(B) the discharge of weapons during hunting activities;

(C) the discharge of weapons by any duly authorized peace officer or law enforcement official acting in the proper performance of his or her duties;

(D) the discharge of weapons on a shooting range established according to applicable zoning regulations, including those established by any police department or law enforcement agency;

(E) the discharge of weapons during a managed hunt to control the deer population under the supervision of the federal, state, or local law enforcement or game management officials; or

(F) the discharge of blank cartridges in theatrical performances or sporting events or at military funerals or affairs

subject to other federal, state, and local laws and regulations.

§35-2-2-4 PENALTY

Any violation of this chapter shall result in a penalty of $50 for a first time violation. Subsequent offenses shall result in a penalty of no less than $100 and no more than $7,500 for each additional violation.

§35-2-2-5 JOINT AND SEVERAL LIABILITY

Where groups of two or more people are shooting together when a violation occurs, they

shall be jointly and severally liable for any penalty resulting from the violation.

(Ord. 2011-04, passed 10-31-11, Ord. 2025-O-11, passed 10-13-2025, Ord. 2025-O-13, passed 11-17-2025)

CHAPTER 3: THE RIGHT TO KEEP AND BEAR ARMS

§35-2-3-1 PROHIBITION ON FEDERAL INFRINGEMENT OF THE RIGHT TO KEEP AND BEAR ARMS

(I) Any federal act, law, order, rule, or regulation – past, present, or future – in violation of the Second Amendment to the Constitution of the United States is not authorized by the Constitution of the United States and violates the true meaning and intent as given by the Founders and Ratifiers, and are invalid in Johnson County, Indiana, shall not be recognized by Johnson County, Indiana, and shall be considered bull and void and of no effect in Johnson County, Indiana.

(J) The Board of Commissioners anticipates that members of the Johnson County law enforcement will uphold the Constitution of the United States and the Constitution of the State of Indiana, as they are sworn to do, and will not separate law abiding citizens from their Second Amendment rights without due process.

(Ord. 2013-01, passed 4-22-2013.)

ARTICLE 3: SYNTHETIC CANNABINOIDS

Section

Chapter 3: General Provisions

35-3-1-1 Definitions
35-3-1-2 Restrictions
35-3-1-3 Penalties

CHAPTER 3: GENERAL PROVISIONS

§ 35-3-1-1 DEFINITIONS.

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

SYNTHETIC CANNABINOIDS. Any product such as K2, Spice, or similar products that contain one or more of the following chemical compounds:

(1) (6ar,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;
(2) 1-Pentyl-3-(1-napththoyl)indole, also know as JWH-018;
(3) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073; or
(4) Any other equivalent compound or derivative.

(Ord. 2010-05, passed 10-04-2010)

§ 35-3-1-2 RESTRICTIONS.

(A) Products containing synthetic cannabinoids shall not be sold, marketed or offered for sale within Johnson County, Indiana; and

(B) Products containing synthetic cannabinoids may not be burned, incinerated, or ignited in any public place or on any property owned, leased, or controlled by Johnson County, Indiana.

(Ord. 2010-05, passed 10-04-2010)

§ 35-3-1-3 PENALTIES.

(A) Persons or entities violating the provisions of this ordinance shall be guilty of an infraction and shall be punishable by:
  a. A fine of fifty dollars ($50.00) for the first violation;
  b. A fine of one hundred dollars ($100.00) for the second violation;
  c. A fine of three hundred dollars ($300.00) for the third violation; and
  d. A fine of one thousand dollars ($1,000.00) for the fourth and subsequent violations.

(B) If, after multiple violations by the same person or entity, the Johnson County Prosecutor and the Johnson County Sheriff believe that the imposition of fines will be ineffective in enforcing this ordinance, any other remedies provided by law may be sought.

(Ord. 2010-05, passed 10-04-2010)

TITLE 36: RESERVED

TABLE OF SPECIAL ORDINANCES

Table

I. **BONDS**

II. **PURCHASE OF REAL PROPERTY**

TABLE I: BONDS

Ord. No.	*Date*	*Description*
1996-02	4-8-1996	Authorizing the issuance and sale of general obligation bonds of the county to procure funds to be applied to costs of the remodeling and renovation of portions of the Bank One Building into governmental office space and furnishing and equipping.
1996-03	4-8-1996	Appropriating the proceeds derived from the sale of bonds for the purpose of financing costs of the remodeling and renovation of portions of the Bank One Building into governmental office space and furnishing and equipping.
2000-04	9-25-2000	Authorizing the acquisition of and the construction of improvements and the issuance of general obligation bonds to provide funds to pay the costs.
2006-03	3-13-2006	Authorizing the issuance of general obligation bonds for the purpose of providing funds to acquire certain equipment and to pay the costs of issuance of the bonds.
2006-04	4-10-2006	Authorizing the issuance of road and bridge bonds for the purpose of providing funds to acquire certain equipment for the County's Highway Department and to pay the costs of issuance of the bonds.
2009-01	5-11-2009	Authorizing the issuance of bonds for the purpose of financing certain child services and the costs of the issuance of the bonds.
2010-02	11-8-2010	Authorizing the issuance of general obligation bonds to provide funds to acquire equipment and to pay costs of issuance of the bonds.
2010-04	11-22-2010	Authorizing the issuance of transportation revenue bonds to provide funds to finance county road project and to pay the costs of issuance of the bonds.
2012-05	11-12-2012	Authorizing the issuance of general obligation bonds for the purpose of providing funds to acquire certain equipment and make certain renovations and to pay the costs of the issuance of the bonds

Ord. No.	*Date*	*Description*
2013-01	10-15-2013	Authorizing the issuance of general obligation bonds for the purpose of providing funds to acquire, construct, and install a public safety dispatch facility and to pay the costs of issuance of the bonds
2014-02	11-10-2014	Authorizing the issuance of general obligation bonds for the purpose of providing funds to acquire certain equipment and make certain renovations and to pay the costs of certain paving projects and the costs of issuance of the bonds

TABLE II: PURCHASE OF REAL PROPERTY

Ord. No.	*Date*	*Description*
99-01	3-8-1999	Approving the purchase of residential real estate located at 50, 82, and 84 West Wayne Street in Franklin, Indiana.
2010-03	11-8-2010	Authorizing acquisition and disposition of certain Johnson County real estate.

PARALLEL REFERENCES

References to Indiana Code

Board of County Commissioners References to Ordinances

County Council References to Ordinances

REFERENCES TO INDIANA CODE

I.C. Section	*Code Section*
1-1-1-5	1-1-1-4
1-1-1-6	1-1-1-16
1-1-1-7	1-1-1-12
1-1-1-8	1-1-1-6
1-1-4-5	1-1-1-5
1-1-5-1	1-1-1-11
1-1-6-1	1-1-1-8

I.C. Section	*Code Section*
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8-14-1	TSO Table I
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