

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

July 5, 2016

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Sheriff Brad Rogers; Pauline Graff, County Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes of the June 20th & 27th, 2016 meetings and placed them on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Allowance of Claims, as presented by the county auditor's office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adopted an Ordinance Enacting & Adopting the 2016 S-4 Supplement to the Code of Ordinances for the County of Elkhart, Indiana, as requested by Craig Buche from the county attorney's office. Mr. Buche noted that the county code books are updated every six months & this update is through January 31, 2016.

The Ordinance is as follows:

AN ORDINANCE ENACTING AND ADOPTING THE 2016 S-4 SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE COUNTY OF ELKHART, INDIANA

WHEREAS, Indiana Code 36-1-5-3 requires the legislative body of a unit to codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The Board of Commissioners of the County of Elkhart (the "Elkhart County Commissioners") and The Elkhart County Council ordained and adopted Council Ordinance No. CC-2014-04 / Commissioner Ordinance No. 2014-145, titled "An Ordinance Enacting a Code of Ordinances for the County of Elkhart, Indiana, Codifying, Revising, Rearranging, and Compiling Certain of its Existing General Ordinances, Orders and Resolutions and Dealing with Subjects Embraced in such Code of Ordinances" (the "Code Adopting Ordinance"). The Code Adopting Ordinance enacted the "Elkhart County, Indiana, Code of Ordinances," also referred to by the shorter title of the "Elkhart County Code." The Elkhart County Code codified, revised, rearranged, and compiled the ordinances, orders, and resolutions of a general and permanent nature of the County of Elkhart, Indiana, ("Elkhart County") pertaining to the subjects contained in or covered by the Elkhart County Code. Two printed copies of the Elkhart County Code have been on file in the office of the Elkhart County Auditor for public inspection, and an electronic copy has been available online;

WHEREAS, the Elkhart County Code as initially enacted by the Code Adopting Ordinance was current through Elkhart County ordinances, orders, and resolutions

passed on or before November 2, 2013, and since that date the Elkhart County Commissioners have periodically supplemented the Elkhart County Code with new ordinances, orders, and resolutions of a general and permanent nature pertaining to the subjects contained in or covered by the Elkhart County Code. The most recent supplement was ordained and adopted as Commissioner Ordinance No. 2015-376, titled "An Ordinance Enacting and Adopting the 2015 S-3 Supplement to the Code of Ordinances for the County of Elkhart, Indiana" (the "S-3 Supplement Adopting Ordinance"). The S-3 Supplement Adopting Ordinance enacted and adopted a supplement to the Elkhart County Code titled the "2015 S-3 Supplement," which incorporated Elkhart County ordinances, orders, and resolutions of a general and permanent nature passed on or before July 31, 2015, pertaining to the subjects contained in or covered by the Elkhart County Code;

WHEREAS, a supplement to the Elkhart County Code titled the "2016 S-4 Supplement" has been prepared to incorporate Elkhart County ordinances, orders, and resolutions of a general and permanent nature passed on or before January 31, 2016, pertaining to the subjects contained in or covered by the Elkhart County Code. Attached hereto as Exhibit A is a copy of the new 2016 S-4 Supplement pages beginning with instruction sheets detailing the appropriate insertion of new pages into the Elkhart County Code and removal of old pages from the Elkhart County Code;

NOW, THEREFORE, BE IT ORDAINED, ORDERED AND ESTABLISHED by the Elkhart County Commissioners that:

1. The 2016 S-4 Supplement is hereby adopted and incorporated into the Elkhart County Code.
2. Two copies of the Elkhart County Code, as supplemented by the 2016 S-4 Supplement and prior supplements, will be on file in the office of the Elkhart County Auditor for public inspection. An electronic copy will be available online.
3. The Elkhart County Code, as supplemented by the 2016 S-4 Supplement and prior supplements, continues in full force and effect, and it continues to constitute presumptive evidence in any and all legal proceedings and places:
 - a. of its provisions;
 - b. of its date of adoption;
 - c. that it has been properly signed, attested, recorded, and approved;and
 - d. that any public hearings required have been held, with any notices required given.

ORDAINED AND ADOPTED this 5 day of July, 2016.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By Terry Rodino
Terry Rodino, President

By Mike Yoder
Mike Yoder, Vice-President

By Frank Lucchese
Frank Lucchese, Member

ATTEST:

Pauline E. Graff
Pauline E. Graff
Elkhart County Auditor

**ELKHART COUNTY, INDIANA
Instruction Sheet
2016 S-4 Supplement**

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ELKHART COUNTY, INDIANA

CODE OF ORDINANCES

2016 S-4 Supplement contains:
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COMMISSIONER ORDINANCE NO. 2015-376

**AN ORDINANCE ENACTING AND ADOPTING THE 2015 S-3 SUPPLEMENT
TO THE CODE OF ORDINANCES FOR THE COUNTY OF ELKHART, INDIANA**

WHEREAS, Indiana Code 36-1-5-3 requires the legislative body of a unit to codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The Board of Commissioners of the County of Elkhart (the "Elkhart County Commissioners") and The Elkhart County Council ordained and adopted Council Ordinance No. CC-2014-04/Commissioner Ordinance No. 2014-145, titled "An Ordinance Enacting a Code of Ordinances for the County of Elkhart, Indiana, Codifying, Revising, Rearranging, and Compiling Certain of its Existing General Ordinances, Orders and Resolutions and Dealing with Subjects Embraced in such Code of Ordinances" (the "Code Adopting Ordinance"). The Code Adopting Ordinance enacted the "Elkhart County, Indiana, Code of Ordinances," also referred to by the shorter title of the "Elkhart County Code." The Elkhart County Code codified, revised, rearranged, and compiled the ordinances, orders, and resolutions of a general and permanent nature of the County of Elkhart, Indiana, ("Elkhart County") pertaining to the subjects contained in or covered by the Elkhart County Code. Two printed copies of the Elkhart County Code have been on file in the office of the Elkhart County Auditor for public inspection, and an electronic copy has been available online at http://www.amlegal.com/codes/client/elkhart-county_in/.

WHEREAS, the Elkhart County Code as initially enacted by the Code Adopting Ordinance was current through Elkhart County ordinances, orders, and resolutions passed on or before November 2, 2013, and it is the intent of the Elkhart County Commissioners to periodically supplement the Elkhart County Code with new ordinances, orders, and resolutions of a general and permanent nature pertaining to the subjects contained in or covered by the Elkhart County Code. The most recent supplement was ordained and adopted as Commissioner Ordinance No. 2015-231, titled "An Ordinance Enacting and Adopting a Supplement to the 2015 S-2 Supplement to the Code of Ordinances for the County of Elkhart, Indiana" (the "S-2 Supplement Adopting Ordinance"). The S-2 Supplement Adopting Ordinance enacted and adopted a supplement to the Elkhart County Code titled the "2015 S-2 Supplement," which incorporated Elkhart County ordinances, orders, and resolutions of a general and permanent nature passed on or before January 31, 2015, pertaining to the subjects contained in or covered by the Elkhart County Code.

WHEREAS, a supplement to the Elkhart County Code titled the "2015 S-3 Supplement" has been prepared to incorporate Elkhart County ordinances, orders, and resolutions of a general and permanent nature passed on or before July 31, 2015, pertaining to the subjects contained in or covered by the Elkhart County Code. Attached hereto as Exhibit A is a copy of the new 2015 S-3 Supplement pages beginning with instruction sheets detailing the appropriate insertion of new pages into the Elkhart County Code and removal of old pages from the Elkhart County Code

Elkhart County - Adopting Ordinance

NOW, THEREFORE, BE IT ORDAINED, ORDERED AND ESTABLISHED by the Elkhart County Commissioners that:

1. The 2015 S-3 Supplement is hereby adopted and incorporated into the Elkhart County Code.
2. Two copies of the Elkhart County Code, as supplemented by the 2015 S-3 Supplement, will be on file in the office of the Elkhart County Auditor for public inspection. An electronic copy will be available online at http://www.amlegal.com/codes/client/elkhart-county_in/ or at another publically accessible online location.
3. The Elkhart County Code, as supplemented by the 2015 S-3 Supplement, continues in full force and effect, and it continues to constitute presumptive evidence in any and all legal proceedings and places:
 - a. of its provisions;
 - b. of its date of adoption;
 - c. that it has been properly signed, attested, recorded, and approved; and
 - d. that any public hearings required have been held, with any notices required given.

ORDAINED AND ADOPTED this 7th day of December, 2015.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By Terry Rodino /s/
Terry Rodino, President

By Mike Yoder /s/
Mike Yoder, Vice-President

By Frank Lucchese /s/
Frank Lucchese, member

ATTEST:

Pauline E. Graff /s/
Pauline E. Graff
Elkhart County Auditor

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- 30.002 Meetings
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GENERAL PROVISIONS

§ 30.001 HOME RULE.

(A) The Board adopts the County Home Rule Ordinance pursuant to I.C. 36-1-3.

(B) The county, by and through its Board, may exercise any power or perform any function necessary to the public interest in the conduct of its county or internal affairs, which is not prohibited by the State Constitution or the United States Constitution, or denied or preempted by any other law or is not vested by any other law in a city, county or state entity, special purpose district or municipal or school corporation.

(C) The Board shall support all actions, projects and programs in the public interest of the citizens of the county, if those actions, projects and programs are authorized under Home Rule powers or the performance of those functions is reasonable and practical under the circumstances, and if the financial support for them is forthcoming from the County Council.

(Prior Code, § 36-1-3-1) (Ord. passed 3-10-1978, 78 COM REC 132-134)

§ 30.002 MEETINGS.

(A) The Board shall begin all its regular meetings at 9:00 a.m.

(B) A member of the Board who knows that he or she will be unable to attend a regular meeting of the Board shall notify the County Auditor prior to the meeting that the member will be absent.

(C) (1) This section does not apply to the department heads of the Highway Department or the Planning and Development Department.

(2) A department head shall attend Board meetings only when requested by the Commissioners. (Prior Code, § 36-2-2-6) (Order of 9-20-1948, 26 COM REC 115; Order of 1-8-1952, 26 COM REC 252; Order of 4-19-1955, 26 COM REC 338; Order of 8-19-1957, 27 COM REC 540; Order of 1-6-1969, 28 COM REC 907; Order of 1-2-1973, 29 COM REC 311; Order of 11-21-1988, 88 COM REC 1557)

§ 30.003 LEGAL HOLIDAYS.

The designation of any legal holiday by the Board for county employees shall not affect any action taken by the Board while in regular or special session. Any action taken by the Board on any holiday shall be valid for all purposes.
(Prior Code, § 1-1-9-1)

§ 30.004 BUSINESS HOURS.

All county offices, except the Highway Department, Park and Recreation Department and Sheriff's Department, shall be open for business during the following hours:

<i>Day of the Week</i>	<i>Hours</i>
Monday	8:00 a.m. to 5:00 p.m.
Tuesday through Friday	8:00 a.m. to 4:00 p.m.
Saturday and Sunday	Closed

(Prior Code, § 36-2-2-10) (Order of 11-19-1946, 26 COM REC 52; Order of 3-21-1949, 26 COM REC 136; Order of 4-17-1950, 26 COM REC 189; Order of 4-16-1951, 26 COM REC 223; Order of 4-20-1953, 26 COM REC 286; Order of 8-27-1953, 26 COM REC 298; Order of 4-19-1954, 26 COM REC 314; Order of 3-21-1955, 26 COM REC 336; Order of 4-2-1956, 26 COM REC 385; Order of 9-23-1957, 27 COM REC 454; Order of 10-7-1957, 27 COM REC 454; Order of 9-15-1958, 27 COM REC 510; Order of 7-16-1973, 29 COM REC 451; Order of 5-17-1976, 30 COM REC 52-53; Order of 10-18-1976, 30 COM REC 145)

§ 30.005 ELECTRONICALLY SIGNING CONTRACTS.

(A) The Elkhart County Auditor, the Elkhart County Administrator and the department head of the county agency administering the contract are hereby authorized to electronically sign contracts on behalf of the Board of Commissioners of Elkhart County.

(B) Said authorization for electronically signing contracts on behalf of the Board of Commissioners is limited to those contracts and contract amendments that have been approved in advance by the Board of Commissioners at a duly called meeting of the Board of Commissioners.

(C) The authorization to electronically sign contracts does not eliminate or alter any county financial reporting procedures currently, or as amended in the future, that are in place.
(Res. 2015-337, passed 10-19-2015)

§ 30.006 HOMELAND SECURITY GRANTS.

(A) The Board of County Commissioners hereby authorizes the County Auditor and Director of Emergency Management to execute for and on behalf of the Board, any actions or documents, including grant and sub-grant or sub-recipient applications and agreements, necessary for the purpose of obtaining federal or state financial assistance from the Indiana Department of Homeland Security or the Indiana Homeland Security Foundation.

(B) The Board may revoke the authorization set forth above at any time by notifying the Indiana Department of Homeland Security Foundation.
(Res. 2015-339, passed 10-19-2015)

SALARY AND WAGE PERIODS AND OTHER EMPLOYEE COMPENSATION**§ 30.015 SALARY AND WAGE PERIODS.**

The Board authorizes the payment of salaries of all county employees and elected officials every two weeks.

(Prior Code, § 36-2-8-2) (Order of 10-21-1957, 27 COM REC 458)

§ 30.016 INDIVIDUAL SURETY AND BLANKET BONDS.

(A) Certain county and township officers and employees must file individual surety bonds as set forth in I.C. 5-4-1-18 as now in place or as from time to time hereafter amended.

(B) *Coverage for non-individual bonded employees.*

(1) *Authorization.* For Elkhart County officers, employees, and contractors required to be bonded by law, but who do not have an individual surety bond, the County of Elkhart, Indiana may provide coverage to such officers, employees, and contractors through any of the following financial assurance instruments or any combination of such financial assurance instruments:

- (a) Blanket bonds;
- (b) Schedule bonds - by name or position; or
- (c) Crime insurance policies.

(2) Provided that any such blanket bonds, schedule bonds, or crime insurance policies are endorsed to cover faithful performance and include aggregate coverage sufficient to cover the officers, employees, and contractors required to be bonded.
(Prior Code, § 5-4-1-18) (Ord. 88M-500, passed 1-9-1988, 88 CCM 30-31; Ord. M-602, passed 12-16-1989, 89 CCM 334-335, 341; Ord. 2015-410, passed 12-21-2015; Ord. CC-2016-01, passed 1-9-2016)

§ 30.017 COUNTY EMPLOYEES AND OFFICIALS MILEAGE ALLOWANCE.

(A) Effective November 1, 2009, county employees and elected officials will be reimbursed for personal automobile travel on official county business at the rate of \$0.40 per mile.

(B) The mileage reimbursement rate established by the County Council pursuant to this section shall remain in effect until amended by the County Council by a new ordinance or an amendment to this section.

(Prior Code, § 36-2-7-3) (Order of 1-12-1991, 91 CCM 6; Ord. 93-809, passed 10-18-1993, 93 COM REC 809; Ord. 97-CC97-8(0), passed 12-20-1997; Ord. 2000-3, passed 7-8-2000; Ord. 2001-5, passed 7-14-2001; Ord. 2004-CC-15, passed 12-11-2004; Ord. 05-CC-05-17, passed 10-8-2005; Ord. CC-08-03, passed 5-10-2008; Ord. CC-09-20, passed 10-3-2009)

§ 30.018 MEMBERSHIP ORGANIZATIONS.

(A) The Commissioners authorize the county to become a member of all associations and organizations which have as their purpose the advancement and improvement of the county and its citizens, following approval by the Board and allocation of any required funds by the County Council.

(B) Each department will submit with the department's budget request a list of organizations in which the department believes the county should be a member. The annual dues for each must be listed. The total amount in this list should be shown in Account 4390 in the departmental budget request. The County Council will peruse the list and appropriate and approve these organizations that it determines meet the criteria of this section.

(C) The county shall pay the membership dues of these state and national associations, if the County Council has appropriated funds for the payment of dues. The County Council approves and authorizes the payment of dues in all future years for the state and national associations which are authorized by this section and for which appropriations are made by the County Council.

(D) All memberships in the associations shall be in the name of the county rather than the name of an officeholder or individual. The membership in the associations shall be by virtue of a county office

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Elkhart County - Administration

CHAPTER 35: FUNDS

Section

Administration

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35.160 Other Petty Cash and Cash Change Funds

35.161 Lunch With A Cop Fund

35.162 Healthy Babies Donation Fund

Cross reference:*Noise Ordinance Fund, see § 94.06***ADMINISTRATION****§ 35.001 BOARD OF COMMISSIONERS PETTY CASH FUND.**

A petty cash fund in the amount of \$100 is established for the Board of County Commissioners' office.

(Prior Code, § 36-2-2-16) (Order of 7-19-1993, 93 COM REC 534)

§ 35.002 COUNTY BUILDING AND GROUNDS PETTY CASH FUND.

A petty cash fund in the amount of \$100 is established for the County Building and Grounds Department.

(Prior Code, § 36-2-2-17) (Order of 5-17-1993, 93 COM REC 361)

(G) A cash change fund of \$200 is established for the County Park and Recreation Department. A petty cash fund of \$300 is established for the County Park and Recreation Department. An additional fund of \$500 is established for the County Park and Recreation Department for park pavilion rental deposits.

(H) A cash change fund of \$200 is established for the Planning Division and the Code Enforcement Division of the County Planning and Development Department.

§ 35.161 LUNCH WITH A COP FUND.

(A) *Fund establishment.* There is hereby established a separate and distinct fund to be named the Lunch With A Cop Fund.

(B) *Fiscal administration.* The Elkhart County Treasurer shall serve as the custodian of Lunch With A Cop Fund and the County Auditor shall serve as the auditing agent for and is hereby authorized to oversee the administration of the Lunch With A Cop Fund.

(C) *Receipts.* Monies deposited to the Fund are limited to donations and no general fund tax dollars will be utilized to supplement the Fund.

(D) *Expenditures.* Monies in the Lunch with a Cop Fund are not subject to appropriation since all deposits are donations, the fund has a narrow and limited purpose, and the expenditures will be subject to the approval of the judiciary. All expenditures are to be used for the reimbursement of lunch related expenses of the law enforcement officer and a juvenile offender, subject to the approval of the Magistrate of the Elkhart County Juvenile Court.

(E) *Non-reverting fund.* Any and all monies in the Lunch With A Cop Fund at the end of the calendar year shall not revert to another fund but shall remain in said fund as a separate non-reverting fund.

(Ord. 2015-48, passed 1-20-2015)

§ 35.162 HEALTHY BABIES DONATION FUND.

(A) *Fund establishment.* There is hereby established a separate and distinct fund to be named the Healthy Babies Donation Fund.

(B) *Fiscal administration.* The Elkhart County Treasurer shall serve as the custodian of the Healthy Babies Donation Fund and the County Auditor shall serve as the auditing agent for and is hereby authorized to oversee the administration of the Healthy Babies Donation Fund.

(C) *Receipts*. Monies deposited to the Fund are limited to donations made only for the use and benefit of the Healthy Babies Program. No General Fund tax dollars or other monies will be utilized to supplement the Fund.

(D) *Expenditures*. Monies in the Healthy Babies Donation Fund are not subject to appropriation since all deposits are donations, the Fund has a narrow and limited purpose, and the expenditures will be subject to the approval of the Elkhart County Health Officer. All expenditures are to be used for the payment or reimbursement of expenses of the Healthy Babies Program, subject to the approval of the Elkhart County Health Officer.

(E) *Non-reverting fund*. Any and all monies in the Healthy Babies Donation Fund at the end of the calendar year shall not revert to another fund but shall remain in said Fund as a separate non-reverting fund.

(Ord. 2015-292, passed 9-28-2015)

CHAPTER 37: COUNTY POLICIES

Section

- 37.01 County-owned vehicle policy
- 37.02 Nondiscrimination policy

§ 37.01 COUNTY-OWNED VEHICLE POLICY.

(A) *Policy.* Vehicles may be purchased and assigned to departments or individuals for the purpose of carrying out their duties or responsibilities as officials or employees of the county. All county-owned vehicles must be clearly marked with a county decal. Highway or law enforcement vehicles, except for unmarked law enforcement vehicles, shall be specially identified. All vehicle purchases must be approved by the County Commissioners and the County Council. Purchase of vehicles will be done through the Commissioners' office.

(B) *Use of vehicles.* County-owned vehicles may only be used by county employees and will be used for transportation within the county and for county business except as follows.

(1) County-owned vehicles may be taken outside the county in furtherance of county business with prior approval of a department supervisor. A log will be kept by each department setting forth the date, destination and purpose of each trip outside of the county.

(2) Law enforcement officers may use vehicles for personal use within the county in accordance with Sheriff's Department policy G.O. 21100.00.

(C) *Maintenance of vehicles.*

(1) Each individual to whom a vehicle has been assigned will be responsible for the maintenance and upkeep of the vehicle. Maintenance cost invoices must identify vehicles on which work is being performed including replacement parts.

(2) Vehicles shall at all times be kept clean.

(3) If the vehicle is unassigned to a specific employee, the maintenance requirement set out in divisions (C)(1) and (C)(2) above is the responsibility of the supervisor of the department to which the vehicle is assigned.

(4) Evidence of improper maintenance or abuse is sufficient for revoking assignment of the vehicle.

(D) *Vehicle damage responsibility.*

(1) Damage to any county-owned vehicle shall be reported immediately to the department supervisor and a written report made by the employee within 24 hours.

(2) A copy of all damage reports will be transmitted to the Commissioners' office and to the Human Resources Department. Copies of repair estimates and accident reports will also be sent to the above departments.

(3) Repairs to any vehicle will be done only after approval of the Commissioners' office except for the Sheriff's Department vehicles which will be in accordance with Sheriff's policy G.O. 21100.00.

(4) Any employee involved in a traffic accident requiring an accident report is responsible for the proper completion of State Form SR 21.

(E) *Obedience to traffic regulations.* Employees operating motor vehicles shall conform to all laws regulating traffic and set an example of good driving to each other as well as to the public.

(F) *Enforcement of policy.* For those departments that are under the jurisdiction of the Commissioners including Planning and Development, Zoning, Weights and Measures, Emergency Management, Building, Building and Grounds, Solid Waste and Highway, the enforcement of this policy will be the responsibility of the Board of Commissioners. For all elected officials and departments not under the Commissioners' jurisdiction, the responsibilities for enforcement will be under the County Council.

(Prior Code, § 36-2-2-20) (Order of 12-4-1877, 8 COM REC 466; Order of 11-7-1977, 31 COM REC 275; Ord. passed 6-19-1978, 78 COM REC 306-307; Order of 9-7-1982, 92 COM REC 346; Order of 7-18-1988, 88 COM REC 866; Ord. passed 8-15-1988, 88 COM REC 970-970A; Order of 5-10-1986, 86 CCM 108-109; Order of 4-2-1990, 90 COM REC 522-523)

§ 37.02 NONDISCRIMINATION POLICY.

(A) The Board of Commissioners of the County of Elkhart, Indiana hereby establishes this policy and confirms that its program and activities will be conducted such that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability/handicap, nor low income, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination pursuant to and as provided by applicable state and federal law.

(B) The Board of Commissioners of the County of Elkhart, Indiana will from time to time name a Title VI Coordinator to assist in the implementation of this Nondiscrimination Policy and to assist in addressing any Title VI complaints which will be processed and administered in accordance with the same procedures as those established for Elkhart County's ADA compliance program.

(C) This Nondiscrimination Policy shall be interpreted so as to be consistent with and in compliance with the requirements of applicable state and federal law; this Nondiscrimination Policy shall be understood and acknowledged to be a policy which prohibits discrimination but does not otherwise grant nor afford any special advantages, privileges, or other benefits to any person in the United States; and that this Nondiscrimination Policy does not exceed the requirements of nor otherwise place any burden upon the County of Elkhart, Indiana beyond the requirements of applicable state and federal law.
(Res. 2015-266, passed 8-31-2015)

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Elkhart County - Administration

CHAPTER 91: STREETS

Section

91.01 Adoption of Street Standards

§ 91.01 ADOPTION OF STREET STANDARDS.

(A) The Board of Commissioners approved and adopted the Elkhart County Highway Guidelines and Standards for Design and Public Improvement "Street Standards" on September 2, 2008. The short title of these standards, from time to time hereafter amended, is "Street Standards."

(B) At the time of their adoption, the 2008 Street Standards, and fees, bonding and surety standards pertaining thereto, were made subject to update and amendment from time to time thereafter by the Board of Commissioners. Any update involving only fees, applications, bonding or collateral standards can be implemented from time to time by the Board of Commissioners at a regularly scheduled public meeting thereof and thereafter be and become a part of the Street Standards without the need for amendment to this chapter.

(C) The Street Standards, as currently in effect and as from time to time hereafter amended, are incorporated by reference. Two copies of the Street Standards are on file in the office of the Elkhart County Auditor for public inspection.

(Prior Code, § 36-7-4-406) (Res. passed 4-2-1956, 26 COM REC 384; Order of 6-20-1983, 83 COM REC 266; Design Standards passed 7-5-1983, 83 COM REC 281-289; Ord. 86-882, passed 11-3-1986, 86 COM REC 882-885; Ord. 89-352, passed 4-3-1989, 89 COM REC 349, 352-353; Ord. 90-2241, passed 12-26-1990, 90 COM REC 2240-2291; Ord. 91-1288, passed 12-2-1991, 91 COM REC 1289-1289J; Ord. 93-809, passed 10-18-1993, 93 COM REC 809; Ord. 95-059, passed 1-17-1995, 95 COM REC 58-61; Ord. 00-665, passed 11-6-2000, 200 COM REC 665-670; Ord. 05-377, passed 6-20-2005, 2005 COM REC 377-383; Ord. 08-316, passed 9-8-2008; Ord. 2015-408, passed 12-21-2015)

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CHAPTER 157: SUBDIVISIONS

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(D) *Compliance with conditions.* Secondary approval may not be granted to a plat unless there is full compliance with the conditions and requirements set forth by the Plan Commission or Plat Committee for primary approval.

(E) *Other government and utility approvals.* Secondary approval may not be granted to a plat until all necessary approvals from other agencies are obtained as needed or required. These approvals shall include any federal, state, or other local approval on their official forms and signed by the proper authority. These approvals may include, but are not limited to, the following when appropriate:

(1) Federal agencies:

- (a) Federal Communications Commission;
- (b) Federal Aviation Administration;
- (c) Federal Emergency Management Agency; and
- (d) U.S. Army Corp of Engineers.

(2) State agencies:

- (a) Indiana Department of Environmental Management;
- (b) Indiana Department of Natural Resources;
- (c) Indiana Department of Transportation; and
- (d) Indiana State Department of Health.

(3) Local agencies:

- (a) Elkhart County Drainage Board;
- (b) Elkhart County Health Department, Environmental Division;
- (c) Elkhart County Highway Division; and
- (d) All other Elkhart County departments, such as the Sheriff or Storm Water Management Department, having an interest in the particular petition.

(4) Utility companies:

- (a) Public or private utilities for sanitary sewer; and

(b) Public or private utilities for water services.

(Ord. 2009-67, passed 3-2-2009; Ord. PC 12-05, passed 5-21-2012; Ord. PC 2014-03, passed 4-21-2014)

§ 157.075 NOTICE OF DECISION.

(A) *Decision in writing.* If secondary approval is granted or denied then the Plan Commission, or Plat Committee, or Director, shall state its findings and decision in writing and it shall be signed by the Secretary of the Plan Commission or the Director, as appropriate.

(B) *Correct deficiencies.* If secondary approval is denied, the applicant shall correct the deficiency noted by the Plan Commission, or Plat Committee, or Director, in the findings prior to resubmitting for secondary approval.

(C) *Findings to applicant.* The findings shall be presented to the applicant within ten working days after the Plan Commission or Plat Committee hearing or action of the Director.

(Ord. 2009-67, passed 3-2-2009; Ord. PC 12-05, passed 5-21-2012; Ord. PC 2014-03, passed 4-21-2014)

§ 157.076 PROVISIONS FOR COMPLETION OF IMPROVEMENTS.

Before a secondary plat is approved by the Plan Commission or Plat Committee, the owner shall be required to complete, in accordance with the secondary approval for major subdivision or for minor plats, and to the satisfaction of the Street Standards all improvements as required by these regulations. If the improvements and installments have not been completed as required by these regulations, the owner shall provide a bond, or other proof of financial responsibility, as prescribed in the Street Standards before a secondary plat can be recorded.

(Ord. 2009-67, passed 3-2-2009; Ord. PC 12-05, passed 5-21-2012; Ord. PC 2014-03, passed 4-21-2014; Ord. PC 2015-14, passed 10-19-2015)

§ 157.077 ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE GUARANTEES.

(A) *Administration and enforcement of performance guarantees.* Administration and enforcement of performance guarantees shall be per the Street Standards.

(B) *Current until improvements accepted.* It shall be the responsibility of the owner to keep the performance guarantee current and not allow it to expire until all improvements have been accepted by the Board of County Commissioners per the Street Standards.

(C) *No permits with expiration.* If the performance guarantee does expire, no improvement location permits will be issued to those lots within the subdivision or section thereof which required the performance guarantee until a new guarantee is provided.

(D) *Release.* Upon completion of the improvements for which a performance guarantee has been provided, the owner shall request a release or partial release, as the case may be, of the performance guarantee per the Street Standards.

(E) *Inspection.* The County Highway Division will conduct inspections of the completed improvements in accordance with the Street Standards. All revisions must be approved per the Street Standards.

(F) *Appeals.* Appeals of the decisions regarding inspection of completed improvements shall be made per the Street Standards.
(Ord. 2009-67, passed 3-2-2009; Ord. PC 2015-14, passed 10-19-2015)

§ 157.078 PROVISIONS FOR MAINTENANCE OF IMPROVEMENTS.

(A) *Maintenance of improvements.* Maintenance of improvements shall be per the Street Standards.

(B) *Release.* The procedure for release of a maintenance guarantee shall be per the Street Standards.
(Ord. 2009-67, passed 3-2-2009)

§ 157.079 INSPECTIONS.

(A) *All improvements inspected.* The owner shall be responsible for having all improvements inspected for compliance with the approved plans, provisions of these regulations and the Street Standards. The owner's responsibility for inspections extends to sanitary sewer, water lines, all drainage components and other utility installations where they interact with improvements such as subsurface drains or drainage swales.

(B) *Owner responsible for testing.* The owner shall be responsible for providing all documentation and testing results required by the Street Standards for the improvements including, but not limited to, the following: compaction tests, infiltration/exfiltration tests to sanitary sewers, pressure tests for water lines, material quality and pavement corings if required.
(Ord. 2009-67, passed 3-2-2009)

§ 157.080 AS BUILT DRAWINGS.

The owner shall submit record drawings as required by the Street Standards.
(Ord. 2009-67, passed 3-2-2009)

§ 157.081 FAILURE TO COMPLETE IMPROVEMENTS.

In those cases where a performance guarantee has been posted and the improvements have not been installed prior to the expiration of the guarantee, the guarantee may be declared in default and all improvements caused to be installed per the Street Standards.
(Ord. 2009-67, passed 3-2-2009)

§ 157.082 RECORDING OF SECONDARY PLAT.

(A) *Signatures required.* The secondary plat shall bear the signatures of the land surveyor, and either the President or the Secretary of the Plan Commission or the Director, as appropriate, and seals of the land surveyor, and such other signatures and seals as set forth in Appendix B: Secondary Plat Checklist, and in division (B) below. The final plat shall also indicate the number of pages, i.e. 1 of 2, 2 of 2, etc.

(B) *Acceptance required.* The secondary plat shall not be recorded until acceptance by the Elkhart County Board of County Commissioners of all dedicated areas and improvements (major subdivisions); or acceptance by the Elkhart County Plan Commission, the Plat Committee, or the Director, as appropriate, of all dedicated areas and improvements (minor subdivisions).

(C) *Legal effect.* The filing and recording of a secondary plat is without legal effect unless it is in compliance with all provisions of this section.
(Ord. 2009-67, passed 3-2-2009; Ord. PC 12-05, passed 5-21-2012; Ord. PC 2014-03, passed 4-21-2014; Ord. PC 2015-14, passed 10-19-2015)

§ 157.083 TIME LIMITATION TO RECORD SECONDARY PLAT.

(A) *Record within one year.* Every major or minor subdivision plat approved after the effective date of these regulations shall be recorded within one year after the date of secondary plat approval.

(B) *Expiration.* Any plat that is not so recorded within the one-year period shall, at the expiration of the one-year period, become null and void and shall not be entitled to recording without re-approval by the Plan Commission. Re-approval shall proceed as a new application in accordance with the standards, requirements and procedures specified by these regulations at the time of the application for re-approval.

(C) *Extensions.* The Plan Commission may grant one extension of the original approval for up to one year.

(Ord. 2009-67, passed 3-2-2009)

§ 157.084 AMENDMENTS, REPLATS OR PLAT REVISIONS.

(A) *Public hearing required.* Amendments must be certified by any properly registered land surveyor and shall require a public hearing before the Plan Commission in compliance with § 157.066. The applicant must supply revised primary and secondary plats and construction plans, if applicable, in compliance with this chapter.

(B) *Replats not requiring hearing.* Replats must be certified by any properly registered land surveyor. The Plat Committee or staff shall determine whether a replat requires a public hearing before the Plan Commission in compliance with § 157.066. The following circumstances shall be considered by the Plat Committee or staff:

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**APPENDIX B: SECONDARY PLAN REVIEW CHECKLIST
(MAJOR AND MINOR SUBDIVISIONS)**

I. NAME OF SUBDIVISION _____
GENERAL LOCATION _____

II. ITEMS REQUIRED BY SUBDIVISION ORDINANCE TO BE SHOWN ON FINAL PLAT

- (A) Name of subdivision and plat section number
- (B) Location of subdivision by legal description
- (C) Name of developer
- (D) Certificate and seal of licensed engineer or surveyor
- (E) Scale
- (F) Date
- (G) North point
- (H) Boundary of plat with angular and lineal dimensions
- (I) Location, width and purpose of each street within and adjacent to the plat
- (J) Location, width and purpose of all cross-walkways and easements
- (K) True angle and distance to the nearest established street lines or official monuments, which shall be accurately described. (Beginning point of description)
- (L) Corporate, township, county and section lines and previously platted tracts within and adjacent to the plat
- (M) Location and name of each street within the plat, including radial of intersection, tangent length, curve length, P.C.'s and P.T.'s, curve radii, internal angles, points and curves, tangent bearings and curve lengths
- (N) All easement rights-of-way and purpose

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- (O) All lot lines, numbers and dimensions in feet and hundredths
- (P) Accurate location of all monuments and markers
- (Q) Location and purpose of all areas dedicated to public use
- (R) Building setback lines
- (S) Protective covenants (may be made a part of the plat by reference)
- (T) Notarized certification by owner of plan and dedication
- (U) For those subdivisions where the improvements and installments have been completed to the satisfaction of the Street Standards, or a bond, or other proof of financial responsibility, as prescribed in the Street Standards has been provided, acceptance by the Elkhart County Board of County Commissioners of all dedicated areas and improvements (major subdivisions); or acceptance by the Elkhart County Plan Commission, the Plat Committee, or the Director, as appropriate, of all dedicated areas and improvements (minor subdivisions).
- (V) Approval of the Elkhart County Plan Commission, the Plat Committee, or the Director, as appropriate, of the plat
- (W) General location map showing proposed subdivision
- (X) Drainage maintenance certificate
- (Y) Depiction of 100-year flood elevation and boundary
- (Z) All areas dedicated to the residents to be labeled "common area"
(Ord. 2009-67, passed 3-2-2009; Ord. PC 12-05, passed 5-21-2012; Ord. PC 2014-03, passed 4-21-2014; Ord. PC 2015-14, passed 10-19-2015)

CHAPTER 158: ZONING

Section

158.01 Incorporation by reference

§ 158.01 INCORPORATION BY REFERENCE.

The County Zoning Ordinance, as currently in effect and as from time to time hereafter amended, is adopted and incorporated by reference into this chapter. The ordinance is printed by the County Planning and Development Department, and two copies of the ordinance are on file in the Auditor's Office for public inspection. Copies of the ordinance are available for distribution from the Auditor's Office and from the County Planning and Development Department. In addition, a copy of the Zoning Ordinance is also available on the County Planning and Development Department's website (www.elkhartcountyplanninganddevelopment.com). (Prior Code, § 36-7-4-600) (Ord. PC 2014-20, passed 12-15-2014; Ord. PC 2016-03, passed 1-19-2016)

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REFERENCES TO INDIANA CODE

<i>I.C. Section</i>	<i>Code Section</i>
1-1-1-8	10.06
1-1-4-5	10.05
1-1-6-1	10.08
1-1-7-1	92.009, 92.031
2-1-12	34.15
2-1-13	34.15
3-3-5	34.15
3-5-3-2	35.020
3-6-6-37	34.16
3-11-1.5	34.15
3-11-1.5-36	34.15
3-11-1.5-38	34.15
3-11-8	34.15
4-21.5-3-7	151.09
Ch. 5-2-1	93.999
5-2-8-6	35.051
5-2-10.1-10	31.089
5-3-1	73.06
5-4-1-18	30.016
5-10.3-6	40.002
5-13-4-1	30.055
5-13-4-1 et seq.	30.055
5-13-8-1	30.055
5-13-8-9	30.055
5-13-9	35.070
5-13-9-1-et seq.	30.055
5-13-9-5	30.055
5-13-9-5.3	30.055
5-13-11-1 et seq.	30.055
5-13-14-1 et seq.	30.055
5-14-1.5-5(d)	38.048
5-14-3	41.020, 41.021
5-14-3-1 et seq.	110.071
5-14-3-6	41.101

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<i>I.C. Section</i>	<i>Code Section</i>
5-14-3-8(j)	41.132
5-16-9 et seq.	93.072
5-22	Ch. 39, 39.001, 39.002
5-22-8	39.009
5-22-8-1(b)	39.005
5-22-11	39.008
5-22-12	39.008
6-1.1-4	30.021
6-1.1-5	154.065
6-1.1-17-3(b)	36.001
6-1.1-18.5	36.017
6-1.1-22-8.1(a)(1)	36.001
6-1.1-22-9	36.001
6-1.1-22-9.5	36.001
6-1.1-22-9.7	36.001
6-1.1-22.5-6	36.001
6-1.1-22.5-12	36.001
6-1.1-22.5-18.5	36.001
6-1.1-29-9	31.022
6-3.5-1.1	36.016, 36.017, 36.018
6-3.5-1.1-2.8	36.017
6-3.5-1.1-11	36.017
6-3.5-1.1-25	36.018
6-3.5-1.1-26	36.018
6-3.5-4	36.060, 36.061, 36.062, 36.063
6-3.5-4-13	36.062
6-3.5-5	36.061, 36.062, 36.064
6-3.5-5-15	36.062
6-3.5-7-3	36.030
6-9-19	31.020, 36.045
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6-20-2-1 et seq.	41.001
8-1.5-5	31.065, 154.085, 154.089
8-1.5-5 et seq.	31.065
8-1.5-5-1	31.065, 154.085
8-1.5-5-4.5	31.065, 154.086
8-1.5-5-5	31.065, 154.088
8-14-16-4(a)	35.070
8-14-16-4(c)	35.070
8-14-16-4(d)	35.070
8-14-16-5	35.070
8-16-3.1-0.5 et seq.	35.036
8-16-3.1-1 et seq.	35.035

References to Resolutions

<i>Res. No.</i>	<i>CCM/COM REC</i>	<i>Date Passed</i>	<i>Code Section</i>
05-706	2005 COM REC 706-707	11-21-2005	155.01
-	2005 COM REC 764A-771	12-19-2005	75.04
2007-97		3-5-2007	40.100
CC-07-13		9-11-2007	35.035, 35.130, 35.131
07-387	2007 COM REC 387-389	9-11-2007	35.035, 35.130, 35.131
09-278		9-8-2009	35.132
2009-296		9-21-2009	40.115
2009-319		10-5-2009	40.100
10-147		4-17-2010	40.115
CC-2010-07		4-17-2010	40.115
2011-32		1-24-2011	30.055
CC-2011-10		6-11-2011	32.01
2012-61		2-13-2012	30.055
2015-266		8-31-2015	37.02
2015-337		10-19-2015	30.005
2015-339		10-19-2015	30.006

Elkhart County - Parallel References

References to Ordinances

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2011-413		12-19-2011	34.01
2011-417		12-19-2011	34.02
2011-422		12-19-2011	41.104
12-115		3-26-2012	151.11
12-177		4-16-2012	93.001, 93.002, 93.015—93.026, 93.999
2012-153		4-16-2012	52.15—52.35, 52.99
PC 12-05		5-21-2012	157.070, 157.074—157.076, 157.082, 157.126, Ch. 157, App. B
2012-271		7-2-2012	40.085
CC-2012-06		7-14-2012	40.085
CC-2012-10		8-11-2012	35.055
2012-333		8-20-2012	40.085
2012-01		8-27-2012	154.068
CC-2012-13		9-8-2012	40.085
2012-420		10-15-2012	113.11
2012-425		10-15-2012	70.50, 70.99
2012-509		12-31-2012	41.005
2013-153		4-8-2013	38.001—38.005, 38.020—38.030, 38.045—38.054, 38.065, 38.066, 38.999
2013-211		5-6-2013	92.001—92.010, 92.999
2013-220		5-6-2013	92.025—92.035, 92.999
2013-309		7-15-2013	31.089
CC-2013-07		7-13-2013	35.005
2013-317		8-5-2013	40.085
2013-330		8-5-2013	151.02—151.10
2013-347		8-5-2013	151.11
CC-2013-10		8-10-2013	40.085
CC-2013-11		8-10-2013	36.017
2013-462		10-21-2013	34.15
2013-407		8-19-2013	94.01—94.05, 94.99
CC-2013-18		11-2-2013	50.30—50.32
2014-04		1-6-2014	40.085
CC-2014-01		1-6-2014	40.085
14-109		2-17-2014	71.99

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<i>Ord. No.</i>	<i>CCM/COM REC</i>	<i>Date Passed</i>	<i>Code Section</i>
2014-120		3-10-2014	34.16
CC-2014-04		3-31-2014	Adopting Ordinance
2014-171		4-21-2014	51.01—51.19, 51.30—51.35, 51.99
PC2014-03		4-21-2014	157.070, 157.074—157.076, 157.082, 157.126, Ch. 157, App. B
CC-2014-08		6-14-2014	36.060, 36.064
2014-283		7-9-2014	40.085
CC-2014-10		7-12-2014	40.085
CC-2014-11		8-9-2014	115.01—115.05
CC-2014-12		8-9-2014	94.06, 94.99
2014-319		7-21-2014	115.01—115.05
2014-323		7-21-2014	94.06, 94.99
CC 2014-15		10-1-2014	36.018
PC 2014-20		12-15-2014	158.01
2015-04		1-5-2015	Adopting Ordinance
2015-48		1-20-2015	35.161
CC-2015-07		4-11-2015	50.33
2015-125		4-20-2015	35.086
2015-178		6-15-2015	35.130
2015-192		6-15-2015	35.056
2015-196		6-22-2015	35.036
2015-200		6-29-2015	41.005
2015-209		6-29-2015	41.150
2015-214		7-6-2015	151.11
2015-231		7-6-2015	Adopting Ordinance
2015-292		9-28-2015	35.162
PC 2015-14		10-19-2015	157.076, 157.077, 157.082, Ch. 157, App. B
2015-376		12-7-2015	Adopting Ordinance
2015-408		12-21-2015	91.01
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On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the Middlebury East TIF fund for \$224,000 for the East Warren Street (CR 16) project in Middlebury, as requested by Chris Godlewski, Director of Planning. This is for curbs, gutters, sidewalks and street lights. He also noted that the engineering estimate came in higher than anticipated so there may be more funds needed at a later date.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06/15/16

DEPARTMENT

Middlebury East
NAME

4510-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 224,000.00	162503	Construction/Reconstruction	44600	Middlebury East	4510
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 224,000.00					

ORIGINAL AMOUNT			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
Approp.	Unspent Request	as of Date		YES	NO	Amount	Date
			AMOUNT	DATE			
1							
2							
3							
4							
5							
6							
7							
8							
TOTAL \$							

REASON FOR REQUEST

East Warren Street Project regarding sidewalks, curb and gutter and street lights

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the CR 6 & CR 17 Northeast TIF fund for \$50,000 for a study by the RDC to determine if a convention center would be feasible at the RV Hall of Fame, as requested by Chris Godlewski, Director of Planning.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06/15/16

DEPARTMENT

CR 6 & 17 NE TIF
NAME

4511-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 50,000.00	162504	Construction/Reconstruction	44600	CR 6 & 17 NE TIF	4511
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 50,000.00					

ORIGINAL AMOUNT			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
Approp.	Unspent Request	as of Date		YES	NO	Amount	Date
			AMOUNT	DATE			
1							
2							
3							
4							
5							
6							
7							
8							
TOTAL \$							

REASON FOR REQUEST

RDC coordinated RV HOF study for convention center

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted final street acceptance of Jemian Drive – 600 feet and Nana Lane – 630 feet in Jemian Trace Phase III subdivision and released Liberty Mutual Bond #013-015-115 for \$5,000 and Bond #013-015-116 for \$2,100, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a change order with Niblock Excavating, Inc., for the 2016 Paving Program Part 1 to pave Tailwind Court at a cost of \$28,590, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Local Road & Street fund for \$6,000 for traffic supplies, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle Highway fund for \$10,000 to purchase buggy plate supplies, as requested by Jeff Taylor, Manager of Transportation.

The two (2) additional appropriations are as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06-22-16

DEPARTMENT

Highway
NAME

1169-980
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	8,000	160031	Traffic Supplies	44600	Local Road and Street	1169	
2							
3							
4							
5							
6							
7							
8							
TOTAL	8,000						
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	ORIGINAL AMOUNT						
	Approp.	as of Date		YES	NO	Amount	Date
			AMOUNT	DATE			

REASON FOR REQUEST 1. funds needed to purchase traffic counters & associated supplies.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06-22-16

DEPARTMENT

Highway
NAME

1176-980
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	10,000	160030	Buggy Plates	44600	Motor Vehicle Highway	1176		
2								
3								
4								
5								
6								
7								
8								
TOTAL	10,000							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST to purchase buggy plate supplies

Jeff Taylor, Manager of Transportation, told the Board that the next five (5) additional appropriation requests are related to the CR 38/Kercher Bridge project. The intent is to take the first four appropriations and transfer those funds to the EDIT fund and assign a project number to it so all costs associated with this construction project are paid out of one project number.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the Major Moves fund for \$6,500,000; an additional appropriation from the EDIT fund for \$4,050,000; an additional appropriation from the LOIT Special Distribution fund for \$1,000,000; and an additional appropriation from the Major Bridge fund for \$1,000,000, as requested by Jeff Taylor.

The four (4) above additional appropriations are as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06-22-16

DEPARTMENT _____

Major Moves
NAME _____

1172-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$6,500,000		CR 38 Kercher Bridge Const.	45100	Major Moves	1172
2					
3					
4					
5					
6					
7					
8					
TOTAL					

ORIGINAL AMOUNT	Unspent Request	as of Date	If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
				YES	NO	Amount	Date
Approp.			AMOUNT	DATE			
1 0.00						X	
2							
3							
4							
5							
6							
7							
8							
TOTAL \$ 0.00							

REASON FOR REQUEST

Funds required to pay for all of the associated costs of the CR 38/Kercher Bridge

Construction project.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06-22-16

DEPARTMENT

EDIT
NAME

1112-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1 \$4,050,000		CR 38 Kercher Bridge Const.	45100	EDIT	1112		
2							
3							
4							
5							
6							
7							
8							
TOTAL							
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
Approp.	Unspent Request		as of Date	YES	NO	Amount	Date
		AMOUNT	DATE				
1 0.00					X		
2							
3							
4							
5							
6							
7							
8							
TOTAL \$ 0.00							

REASON FOR REQUEST Funds required to pay for all of the associated costs of the CR 38/Kercher Bridge Construction project.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06-22-16

DEPARTMENT

Highway

1229-981

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	1,000,000		CR 38/Kercher Bridge Const.	45100	LOIT Special Distribution	1229		
2								
3								
4								
5								
6								
7								
8								
TOTAL	1,000,000							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST 1. Funds to pay for all of the associated costs of CR 38 and the Kercher Bridge.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06-22-16

DEPARTMENT

Major Bridge
NAME

1171-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1 \$1,000,000		CR 38 Kercher Bridge Const.	45100	Major Bridge	1171		
2							
3							
4							
5							
6							
7							
8							
TOTAL							
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
Approp.	Unspent Request						as of Date
		AMOUNT	DATE	YES	NO	Amount	Date
1	0.00				X		
2							
3							
4							
5							
6							
7							
8							
TOTAL \$ 0.00							

REASON FOR REQUEST Funds required to pay for all of the associated costs of the CR 38/Kercher Bridge Construction project.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the EDIT fund for \$12,550,000 for the CR 38/Kercher Bridge construction project, as requested by Jeff Taylor. This appropriation will have a project number & the above four appropriations will be transferred into this project.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06-22-16

DEPARTMENT

CR 38/Kercher Bridge Construction
NAME

1112-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$12,550,000	160033	CR 38/Kercher Bridge Const.	44600	EDIT	1112	
2						
3						
4						
5						
6						
7						
8						
TOTAL \$12,550,000						
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
Approp.	Unspent Request		as of Date	YES	NO	Amount
		AMOUNT	DATE			
1						
2						
3						
4						
5						
6						
7						
8						
TOTAL \$0.00						

REASON FOR REQUEST 1. Funds required to pay for all of the associated costs of the CR38/Kercher Bridge Construction Project

Major Bridge	\$1,000,000
Major Moves	\$6,500,000
LOIT	\$1,000,000
EDIT	\$4,050,000
Stormwater	\$450,000
TOTAL	\$13,000,000

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Highway fund for \$8,000 to purchase a pressure washer for the wash bay, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle Highway fund for \$4,000 for uniforms for new employees, as also requested by Jeff Taylor.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle Highway fund for \$13,500 for property maintenance, as again requested by Jeff Taylor.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle Highway fund for \$6,000 for laundry, cleaning and custodial services, as requested by Jeff Taylor.

The four (4) above additional appropriations are as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06-22-16

DEPARTMENT

Highway

1176-202

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	4,000		Uniforms	42150	Motor Vehicle Highway	1176	
2							
3							
4							
5							
6							
7							
8							
TOTAL	4,000						
	ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	Approp. as of Date						
		AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST 1. Funds needed to purchase uniforms for new employees.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06-22-16

DEPARTMENT

Highway
NAME

1176-980
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	13,500	160032	Property Maintenance	44600	Motor Vehicle Highway	1176	
2							
3							
4							
5							
6							
7							
8							
TOTAL	13,500						
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	ORIGINAL AMOUNT						
	Approp.	as of Date		YES	NO	Amount	Date
			AMOUNT	DATE			

REASON FOR REQUEST 1. funds needed to mow and maintain admin building and other county owned properties.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 06-22-16

DEPARTMENT

Highway
NAME

1176-204
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	6,000		Laundry, Cleaning, Custodial	43510	Motor Vehicle Highway	1176		
2								
3								
4								
5								
6								
7								
8								
TOTAL	6,000							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST Funds to pay invoices for Republic Services and cleaning services.

Gordon Lord, county attorney, explained that a temporary traffic light is needed as soon as possible and definitely before school resumes in August at the intersection of CR 40 and SR 15 (S. Main St.) in Goshen. He noted that it may become permanent. The city of Goshen is very aware of the situation and is very supportive of it along with the schools. The Commissioners need to declare this an emergency so bids do not have to be taken and work can be started immediately. The contractor that is on site now can do this project.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board declared this an emergency at the intersection of CR 40 & SR 15 and move forward with the project for a traffic light.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Weights & Measures Annual Report for June 16th – June 15th, 2016 and the report for May 16th-June 15th, 2016 and placed them on file.

Orrin Martin presented pictures of CR 138 after there was one inch of rain and the drainage problems on the road. He said if they get 2 inches of rain, the road is completely flooded. There are 9 residences & 4 businesses along that road. He noted that the highway department just keeps adding gravel and it washes away with each rain. Mr. Martin would like to have the road paved. It was suggested the storm water coordinator look at the situation to determine if there is a solution for the drainage problems.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

July 11, 2016

President Terry Rodino called the meeting to order at 9:00 a.m. in the meeting room in the Commissioners' office in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two Board members, Frank Lucchese was absent and Mike Yoder was present. Others present were Pauline Graff, County Auditor; Craig Buche from the county attorney's office; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved the Allowance of Claims and the Payroll Claims, as presented by the county auditor's office.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved a Media Conversion Statement of Work with Fidlar Technologies, Inc. for the county recorder's office, as requested by Jennifer Doriot, County Recorder. This will be paid from the recorder's perpetuation fund. The Commissioners also authorized Ms. Doriot to sign the statement of work. She noted that deed books will be scanned that date back to 1830. A copy of the statement of work is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board adopted a Resolution Authorizing the Loaning of Money from the Local Major Moves Construction Fund for the CR 38 and Kercher Bridge Construction Project, as requested by Craig Buche from the county attorney's office. This is for \$6.5 million and will be combined with the loan for the CR 17 project. Payments will be semi-annual for a 15 year period.

The Resolution is as follows:

COUNTY COUNCIL RESOLUTION NO. CC-2016-12
COUNTY COMMISSIONER RESOLUTION NO. 2016- 373

RESOLUTION AUTHORIZING THE LOANING OF MONEY FROM THE LOCAL MAJOR
MOVES CONSTRUCTION FUND FOR THE COUNTY ROAD 38 AND
KERCHER BRIDGE RECONSTRUCTION PROJECT

WHEREAS Indiana Code § 36-1-3-1 et seq. permit any unit in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of its governmental or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the County legislative and executive body and is by law authorized to adopt ordinances and resolutions governing the administration of Elkhart County's governmental affairs;

WHEREAS the Elkhart County Council of the County of Elkhart, Indiana is the County fiscal body and is by law authorized to adopt ordinances and resolutions for the administration of Elkhart County's fiscal affairs;

WHEREAS the Elkhart County Council has appropriated Six Million Five Hundred Thousand Dollars (\$6,500,000.00) from the Local Major Moves Construction Fund for purposes of financing a portion of the County Road 38 and Kercher Bridge Reconstruction Project;

WHEREAS the Local Major Moves Construction Fund Ordinance permits the use of its funds for road projects provided the appropriations are repaid, with interest, and that appropriate documentation is provided for the repayment;

WHEREAS the Elkhart County Commissioners and the Elkhart County Council concur with the decision to loan these funds from the Local Major Moves Construction Fund for purposes

of this road project and are committed to repaying the Local Major Moves Construction Fund with interest;

WHEREAS the County of Elkhart, Indiana has an existing Loan Resolution under County Council Resolution No. CC-2011-08 and County Commissioner Resolution No. 2011-131 for a Local Major Moves Construction Fund loan for Phase 2C of the County Road 17 Extension Project repayable from the EDIT Fund;

WHEREAS the Elkhart County Commissioners and the Elkhart County Council concur that the existing Local Major Moves Construction Fund loan for the Phase 2C of the County Road 17 Extension Project should be combined with the Local Major Moves Construction Fund loan for the County Road 38 and Kercher Bridge Reconstruction Project as provided in this Resolution;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED AND RESOLVED by the Board of Commissioners of the County of Elkhart, Indiana and the Elkhart County Council as follows:

1. Extension of Loan. The County of Elkhart, Indiana through its Local Major Moves Construction Fund hereby loans Six Million Five Hundred Thousand Dollars (\$6,500,000.00) for purposes of financing a portion of the County Road 38 and Kercher Bridge Reconstruction Project identified as Project No. 160033 as maintained in the records of the Elkhart County Auditor's Office. For purposes of this Resolution, the total amount financed from the Local Major Moves Construction Fund for this road project, being Six Million Five Hundred Thousand Dollars (\$6,500,000.00), shall be hereinafter referred to as the "Loan."

2. Repayment of Loan. The EDIT Fund shall repay the Loan to the Local Major Moves Construction Fund the principal amount of the Loan, being Six Million Five Hundred

Thousand Dollars (\$6,500,000.00), with interest at two percent (2.00%) per annum on the outstanding principal balance until fully repaid.

3. Consolidation of Loans. The existing Local Major Moves Construction Fund loan for Phase 2C of the County Road 17 Extension Project will be combined with the Local Major Moves Construction Fund loan for the County Road 38 and Kercher Bridge reconstruction project. The remaining balance on the Local Major Moves Construction Fund loan for Phase 2C of the County Road 17 Extension Project will be combined with the loan of Six Million Five Hundred Thousand Dollars (\$6,500,000.00) as provided in this Resolution for the County Road 38 and Kercher Bridge Reconstruction Project to be hereinafter referred to as the "Loans." The Elkhart County Council does hereby pledge sufficient and adequate revenues from the EDIT Fund to repay the Local Major Moves Construction Fund Loans in accordance with the terms and provisions of this Resolution. Said repayments shall be due and payable in accordance with the Amortization Schedule attached hereto as Exhibit A which is hereby incorporated by reference. The Elkhart County Council may make prepayments on the outstanding principal balance of the Loans, adjust the interest rate on the Loans, extend the time for payment on the Loans, reduce the payments on the Loans, or otherwise amend the Amortization Schedule at any time by taking official action thereon at any properly called public meeting of the Elkhart County Council.

4. Administration of Loans. The Elkhart County Auditor and Elkhart County Treasurer are hereby authorized and directed to oversee the administration and repayment of the Loans by the EDIT Fund to the Local Major Moves Construction Fund.

5. Effective Date. This Resolution shall be effective upon the later date of adoption by the Elkhart County Commissioners and the Elkhart County Council.

RESOLVED this 11 day of July, 2016.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: Terry J. Rodino
Terry J. Rodino, President

By: Mike Yoder
Mike Yoder, Vice President

By: ABSENT
Frank R. Lucchese, Member

ATTEST:

Pauline E. Graff
Pauline E. Graff, Elkhart County Auditor

RESOLVED this 9th day of July, 2016.

ELKHART COUNTY COUNCIL OF THE
COUNTY OF ELKHART, INDIANA

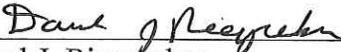
By: 
John K. Letherman

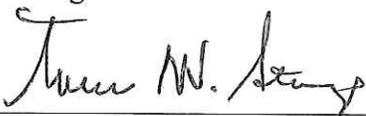
By: 
David L. Hess

By: 
David M. Ashe

By: 
David E. Foutz

By: Absent
Randall D. Yohn

By: 
Darryl J. Riegsecker

By: 
Thomas W. Stump

ATTEST:

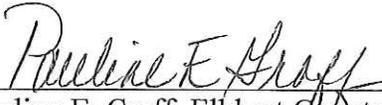

Pauline E. Graff, Elkhart County Auditor

EXHIBIT A

AMORTIZATION SCHEDULE

Major Moves/CR 38 and Kercher Bridge Project Loan-#2 \$400K

Compound Period : Exact Days

Nominal Annual Rate : 2.000 %

CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Loan	07/01/2016	9,861,783.82	1		
2 Payment	12/31/2016	400,000.00	28	Semiannual	06/30/2030
3 Payment	12/31/2030	181,217.91	1		

AMORTIZATION SCHEDULE - Normal Amortization

	Date	Payment	Interest	Principal	Balance
Loan	07/01/2016				9,861,783.82
1	12/31/2016	400,000.00	98,888.02	301,111.98	9,560,671.84
2016 Totals		400,000.00	98,888.02	301,111.98	
2	06/30/2017	400,000.00	94,820.91	305,179.09	9,255,492.75
3	12/31/2017	400,000.00	93,315.65	306,684.35	8,948,808.40
2017 Totals		800,000.00	188,136.56	611,863.44	
4	06/30/2018	400,000.00	88,752.57	311,247.43	8,637,560.97
5	12/31/2018	400,000.00	87,085.55	312,914.45	8,324,646.52
2018 Totals		800,000.00	175,838.12	624,161.88	
6	06/30/2019	400,000.00	82,562.25	317,437.75	8,007,208.77
7	12/31/2019	400,000.00	80,730.21	319,269.79	7,687,938.98
2019 Totals		800,000.00	163,292.46	636,707.54	
8	06/30/2020	400,000.00	76,668.76	323,331.24	7,364,607.74
9	12/31/2020	400,000.00	74,251.39	325,748.61	7,038,859.13
2020 Totals		800,000.00	150,920.15	649,079.85	
10	06/30/2021	400,000.00	69,810.05	330,189.95	6,708,669.18
11	12/31/2021	400,000.00	67,638.09	332,361.91	6,376,307.27
2021 Totals		800,000.00	137,448.14	662,551.86	
12	06/30/2022	400,000.00	63,238.99	336,761.01	6,039,546.26
13	12/31/2022	400,000.00	60,891.86	339,108.14	5,700,438.12
2022 Totals		800,000.00	124,130.85	675,869.15	
14	06/30/2023	400,000.00	56,535.85	343,464.15	5,356,973.97
15	12/31/2023	400,000.00	54,010.04	345,989.96	5,010,984.01
2023 Totals		800,000.00	110,545.89	689,454.11	
16	06/30/2024	400,000.00	49,972.55	350,027.45	4,660,956.56
17	12/31/2024	400,000.00	46,992.66	353,007.34	4,307,949.22
2024 Totals		800,000.00	96,965.21	703,034.79	

Major Moves/CR 38 and Kercher Bridge Project Loan-#2 \$400K

Date	Payment	Interest	Principal	Balance
18 06/30/2025	400,000.00	42,725.41	357,274.59	3,950,674.63
19 12/31/2025	400,000.00	39,831.46	360,168.54	3,590,506.09
2025 Totals	800,000.00	82,556.87	717,443.13	
20 06/30/2026	400,000.00	35,609.95	364,390.05	3,226,116.04
21 12/31/2026	400,000.00	32,526.32	367,473.68	2,858,642.36
2026 Totals	800,000.00	68,136.27	731,863.73	
22 06/30/2027	400,000.00	28,351.47	371,648.53	2,486,993.83
23 12/31/2027	400,000.00	25,074.35	374,925.65	2,112,068.18
2027 Totals	800,000.00	53,425.82	746,574.18	
24 06/30/2028	400,000.00	21,062.82	378,937.18	1,733,131.00
25 12/31/2028	400,000.00	17,473.76	382,526.24	1,350,604.76
2028 Totals	800,000.00	38,536.58	761,463.42	
26 06/30/2029	400,000.00	13,395.04	386,604.96	963,999.80
27 12/31/2029	400,000.00	9,719.23	390,280.77	573,719.03
2029 Totals	800,000.00	23,114.27	776,885.73	
28 06/30/2030	400,000.00	5,690.04	394,309.96	179,409.07
29 12/31/2030	181,217.91	1,808.84	179,409.07	0.00
2030 Totals	581,217.91	7,498.88	573,719.03	
Grand Totals	11,381,217.91	1,519,434.09	9,861,783.82	

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved an out of state travel request for two employees in the prosecutor's office to go to New Orleans, LA in July-Aug for the International Homicide Investigators Conference.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board approved an out of state travel request for two employees in the health department to go to Denver, CO in September to attend the National WIC Nutrition & Breastfeeding Conference.

On a motion made by Mike Yoder, seconded by Terry Rodino after duly vacating the chair and carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

July 18, 2016

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Sheriff Brad Rogers; Pauline Graff, County Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes of the July 5th & 11th, 2016 meetings and placed them on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Allowance of Claims, as presented by the county auditor's office.

Liz Gunden from planning and development presented a request for Rand P. & Brenda L. Leiter for a zone map change from a GPUD R-1 to A-1 for property located on the west side of CR 3, 2,700 feet south of CR 38 in Olive Township. It was rezoned from A-1 to R-2 on September 15, 2003 and they are removing the GPUD overlays so the property is buildable. The Plan Commission as recommended approval of the request. There were no comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the zone map change as requested and adopted an ordinance establishing this zone map change.

The Ordinance is as follows:

ORDINANCE NO. PC 2016-18

AN ORDINANCE TO AMEND ORDINANCE NO. PC 2014-20 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM GPUD R-2 TO A-1.

WHEREAS, Rand P. & Brenda L. Leiter, submitted an application to rezone real estate hereinafter described from GPUD R-2 to A-1 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on June 9, 2016, recommend approval of a zone change from GPUD R-2 to A-1 and filed their recommendation with the Board of County Commissioners of Elkhart County Indiana.

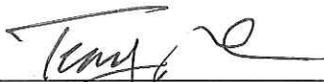
BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THAT:

Legal Description

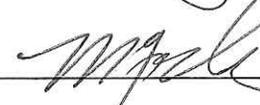
See EXHIBIT A

BE rezoned from GPUD R-2 to A-1 effective immediately, and the zone maps dated November 18, 2014, and made a part of Section 4.1.2 of the Elkhart County Zoning Ordinance as amended and hereby ordered amended and changed to reflect the said rezoning of said real estate.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 18TH DAY OF JULY, 2016.



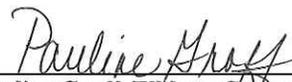
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline Graff, Elkhart County Auditor

Ordinance prepared by Liz Gunden. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

JULY 18, 2016

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EXHIBIT A

Parcel I:

A portion of Tract 1 of that land conveyed to Cunningham Investment Group LLC by Instrument recorded in Deed Record 2003-41318, located with the Southeast Quarter of Section 26, Township 36 North, Range 4 East, Olive Township, Elkhart County, Indiana, and being more particularly described as follows: Commencing at the Harrison Monument located at the northeast corner of the said Southeast Quarter of Section 26; thence South 00°00'12" East along the east line of said Southeast Quarter 154.00 feet to a PK nail at the northeast corner of that tract of land conveyed to Lengacher by Instrument recorded in Deed Record 2000-1825; thence South 89°59'23" West 179.86 feet to an Iron pipe located at the northwest corner of said Lengacher tract; thence South 00°00'02" West along the west line of said Lengacher tract 240.00 feet to a bar and cap; thence North 84°10'20" West 220.91 feet to a bar and cap; thence South 89°23'32" West 922.33 feet to a bar and cap located on the east line of that tract conveyed to the Civil Town of Wakarusa by Instrument recorded in Deed Record 95-1245; thence along said east line North 00°04'06" East 396.00 feet to a bar and cap on the north line of the said Southeast Quarter; thence along said north line South 89°21'59" East 1321.51 feet to the place of beginning, said In survey to contain 10.76 acres, more or less.

Parcel II:

The South One-Twelfth of the East Three-eighths of the Northeast Quarter of Section 26, Township 36 North, Range 4 East, Elkhart County, Indiana.

Subject to legal highways.

65449 County Road 3 Wakarusa IN 46573

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Jason Auvil from planning and development presented a request for Jerry W. & Ruby J. Bontrager, represented by Cardinal Point Surveying, for a zone map change from A-1 to DPUD M-1 to be known as Riteway State Road 13 DPUD located on the west side of SR 13, 500 feet south of CR 4 in York Township. The Plan Commission has recommended approval of the rezoning request. Mr. Auvil said this property was approved for a Special Use and then an amendment was denied to the Special Use and then in November a Special Use was approved for a woodworking business. This request is to establish a new business to repair RVs. There are two commitments on the proposed ordinance and the petitioner has agreed to both of them. There were no comments from anyone in the audience. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the zone map change request and adopted an ordinance establishing this zoning change. The Site Plan/Support Drawing is part of the Ordinance and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

The Ordinance is as follows:

ORDINANCE PC 2016- 19

AN ORDINANCE TO AMEND THE ELKHART COUNTY CODE § 158.01 FOR REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM A-1 TO DETAILED PLANNED UNIT DEVELOPMENT M-1, TO BE KNOWN AS RITEWAY STATE ROAD 13 DPUD; AND BY CHANGING THE ZONE MAPS INCORPORATED BY REFERENCE IN SECTION 4.1.2.A. OF THE ELKHART COUNTY ZONING ORDINANCE

WHEREAS, Jerry W. & Ruby J. Bontrager submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this ordinance from A-1 to DPUD M-1 on May 2th, 2016;

WHEREAS, The Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in **The Elkhart Truth** on the 26th day of May 2016 and in **The Goshen News** on the 28th day of May 2016 and did mail as prescribed by Rule and Law the Notice of Public Hearing to all persons of record within 300 feet;

WHEREAS, The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 9^h day of June 2016 and did take public input at that meeting;

WHEREAS, The Elkhart County Advisory Plan Commission did give reasonable regard to the criteria established by IC 36-7-4-603 and Section 3.5 Detailed Planned Unit Development of the Elkhart County Zoning Ordinance;

WHEREAS, The petition was sent to the Board of County Commissioners for Elkhart, Indiana with a Favorable Recommendation;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA, AS FOLLOWS:

- SECTION 1.** That the legal description of the real estate attached hereto as **Attachment A** is made a part of this ordinance and incorporated herein by this reference.
- SECTION 2.** That the real estate described in **SECTION 1** of this Ordinance be rezoned from A-1 to **DPUD M-1** effective immediately and the zone maps adopted by reference in the Elkhart County Zoning Ordinance for Elkhart County, Indiana be amended and ordered amended and changed to reflect the said rezoning of said real estate.
- SECTION 3.** That the Detailed Planned Unit Development be granted for the real estate described in **SECTION 1** of this Ordinance. Unless this Ordinance specifies to the contrary, all Development Standards for the M-1 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced and govern the use of the real estate, though the Development Plan and Site Plan/Support Drawing will supersede all otherwise applicable Use Standards, District Developmental Standards, and General Development Standards under the M-1 zoning district.
- SECTION 4.** That all Development Plan(s) must be submitted to the Plat Committee of the Elkhart County Advisory Plan Commission for approval as a Secondary Plat; Secondary approval shall be granted only if the Development Plan(s) comply with the provisions of this Ordinance, the Site Plan / Support Drawing, and the Subdivision Control Ordinance. The Development Plan(s) shall be incorporated into this Ordinance by this reference. All Secondary Plats will reference this Ordinance and if the intent of this Ordinance or the Site Plan / Support Drawing is not clear the Secondary Plan may be considered by the County Advisory Plan Commission at a Public meeting.

- SECTION 5.** That the Site Plan / Support Drawing is made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.
- SECTION 6.** This Detailed Planned Unit Development Ordinance will limit the use of this real estate to what has been shown on the Site Plan / Support Drawing.
- SECTION 7.** That the additional documentation and supporting information listed in Section 9 of this Ordinance must be supplied and the conditions specified in Section 9 of this Ordinance must be satisfied prior to any permits for construction being issued.
- SECTION 8.** That the following specified limitations to this Planned Unit Development have been adopted and imposed:
1. To maintain the buffer throughout this DPUD life; In case the buffer trees die off, fall down, limbs fall off or otherwise become damaged.
 2. Outside storage of units to be only vehicles that are being worked on with the business or waiting to be picked up; Not to be used as a storage facility; As represented with the fence and screening from the road, limited to seven as presented.
- SECTION 9.** List of additional documentation, supporting information, and conditions:
- SECTION 10.** In the event any covenant, restriction, provision or section of this Ordinance or any portion thereof is declared invalid or void, such declaration shall in no way affect any other covenant, restriction, or section.
- SECTION 11.** This Ordinance shall be in full force and effect from and after its passage and approval in according with the law.

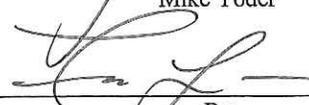
ORDAINED AND ADOPTED THIS 18TH DAY OF JULY 2016 BY THE BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA



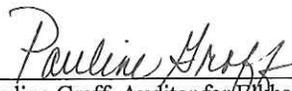
 By
 Terry Rodino



 By
 Mike Yoder



 By
 Frank Lucchese

Attest: 

 Pauline Graff, Auditor for Elkhart County

Ordinance prepared by H. Jason S. Auvil. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

JULY 18, 2016

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Page 2 of 1

Attachment A

A part of the Northeast Quarter of Section 23, Township 38 North, Range 7 East, York Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at a Harrison monument marking the Northwest corner of said Northeast Quarter; South 89 degrees, 05 minutes, 00 seconds East, 1354.05 feet, along the North line of said Northeast Quarter, and County Road 4, to the Northwest corner of the Northeast Quarter of said Northeast Quarter; thence South 00 degrees, 56 minutes, 41 seconds West, 264.00 feet, to a rebar at the point of beginning of this description; thence continuing along the last described bearing, 505.04 feet, to an iron pipe; thence South 89 degrees, 48 minutes, 10 seconds East, 476.03 feet, to a rebar on the Westerly right-of-way of State Road 13; thence Northeastwardly, 265.92 feet, along a non-tangent curve to the right having a radius of 7674.59 feet and a delta angle of 01 degree, 59 minutes, 07 seconds, to the point of tangency of said curve; thence continuing along said right-of-way, North 10 degrees, 41 minutes, 00 seconds East, 239.56 feet, to a rebar; thence North 89 degrees, 05 minutes, 00 seconds West, 548.14 feet, to the point of beginning containing 5.89 acres and subject to a public highway.

JULY 18, 2016

Ord. PC 2016- 19

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Jason Auvil from planning and development presented a request for the Elkhart County Advisory Plan Commission for multiple amendments to the text of the Elkhart County Control Ordinance, a summary of the subject matter contained in the proposal for all lands within Elkhart County: including all the townships: Cleveland, Osolo, Washington, York, Baugo, Concord, Jefferson, Middlebury, Olive, Harrison, Elkhart, Clinton, Locke, Union, Jackson and Benton, but excluding the City of Goshen, City of Elkhart and Town of Nappanee. This request is to make sure the zoning ordinance and subdivision have the same wording along with some other "clean up" items. There were no comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the request and adopted an ordinance establishing these changes.

The Ordinance is as follows:

Ordinance No. PC 2016- 20

AN ORDINANCE TO AMEND THE TEXT OF THE ELKHART COUNTY SUBDIVISION CONTROL ORDINANCE #2009-67 BY REFORMATTING AND BY AMENDING MULTIPLE SECTIONS THEREOF AS DETAILED IN THIS ORDINANCE.

Whereas, the Elkhart County Advisory Plan Commission did, after proper legal notice, hold a Public Hearing as provided by law on the 9th day of June, 2016, and at that Public Hearing did take and consider public input and review and consider a “red lined” form of the Elkhart County Subdivision Control Ordinance showing proposed text amendments thereto, including reformatting, and additions and deletions, prepared by the Staff of the Elkhart County Advisory Plan Commission;

Whereas, the Elkhart County Advisory Plan Commission did on the 9th day of June, 2016, grant their approval of the multiple text amendments as set forth in the proposed “red lined” form of the Elkhart County Subdivision Control Ordinance and forwarded their recommendation for the adoption of these multiple text amendments to the Board of Commissioners of Elkhart County, Indiana; and

Whereas, the contents of this Ordinance details the multiple text amendments, including reformatting, and additions and deletions, to the Elkhart County Subdivision Control Ordinance recommended for approval by the Elkhart County Advisory Plan Commission.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA THAT THE TEXT OF THE ELKHART COUNTY SUBDIVISION CONTROL ORDINANCE IS HEREBY AMENDED AS FOLLOWS:

Section 1. That the following formatting changes, which are non-substantive in nature, be made throughout the Elkhart County Subdivision Control Ordinance:

- A. Change all “Chapter” headings to “Article” headings;
- B. Change all Section designations from style “Section 1.01” with alphabetical subsections (i.e., Sec.1.01,A.) to style “Section 1.1” with numerical subsections (i.e., Sec.1.1, 1.1.1);
- C. Renumber each Article page separately but consecutively within each respective Article (i.e., Article 1, page 1-1, 1-2, 1-3...; Article 2, page 2-1, 2-2, 2-3...);
- D. Renumber applicable Sections and subsections consecutively when adding or deleting Sections or subsections;

E. Change the words “subdivision control ordinance” to “Subdivision Control Ordinance”; and

F. Change the words “this ordinance” to “this Ordinance”.

Section 2. Delete the following text from the end of the **Table of Contents**:

Appendix A – Primary Plan Checklist (Major Subdivision)

Appendix B – Secondary Plan Review Checklist (Major and Minor Subdivision)

Appendix C – Technical Review Process Diagram

Appendix D – Preliminary Plan Review Checklist (Minor Subdivision)

Appendix E – Drainage Maintenance Certificate

Section 3. In 1.3.2 **Uniform Standards**, in the first line change the words “The ordinance establishes” to “The Subdivision Control Ordinance establishes”.

Section 4. In 1.9.2 **B. Secondary Approval**, delete the third and fourth sentences and replace them with the following text:

“Any proposed or actual subdivision of land having been granted primary approval by the Plan Commission under the previous Subdivision Control Ordinance is valid only if that primary approval was granted before March 2, 2011, unless the Plan Commission grants an extension under subsection 3.10.3, Extensions of Primary Approval. If the primary approval includes development in phases, secondary approval for one entire phase, including all sections within said phase, shall automatically continue approval for the remaining phases to the same expiration date not to exceed eight (8) years unless the Plan Commission grants an extension under subsection 3.10.3, Extensions of Primary Approval.”

Section 5. In 2.2.1 **Other Regulations**, change the word “plans” to “plats”.

Section 6. In 2.2.2 **Comprehensive Plan**, in the first line change the words “Subdivision plans” to “Subdivision plats”; and in the second line change the word “plan” to “Plan”.

Section 7. In 2.3.1 **A. Streets**, delete the phrase “Appendix C” and replace the comma after “Street Standards” with the word “and”.

Section 8. Change the title of 2.3.1 **B.** from “**Storm Water Management**” to

“Stormwater Management”.

- Section 9. Delete 2.3.2 **Environmental Impacts** in its entirety.
- Section 10. Change the title of 2.5.3 **“Reserve Strips”** to **“Reserve Strips (Spite Strips)”**.
- Section 11. In 2.5.6 **Variations and Exceptions**, in the third line add the word **“and”** following the comma.
- Section 12. In **Sec. 2.6. Street Names and Addresses**, in the third sentence change the word **“projected”** to **“protected”**.
- Section 13. In 2.17.2 **Lot Area Excludes Unusable Acres**, change the words **“per cent”** to the word **“percent”**.
- Section 14. Delete old **Sec. 2.18. Solid and Hazardous Waste** in its entirety.
- Section 15. In 2.18.2 of **Sec. 2.18. Responsibility for Water Bodies**, in the second sentence change the words **“owner; or owners”** to the word **“owner(s)”**.
- Section 16. In 2.20.1 **Easement Required**, in the third sentence change the word **“plan”** to **“plat”**; and in the fourth sentence change the words **“street standards”** to **“Street Standards”**.
- Section 17. In 2.21.3 **Utility Easements** and 2.21.6 **Farm Tile Easements**, at the end of the last sentence in each of these, respectively, change the word **“section”** to **“Section”**.
- Section 18. In **Sec. 2.22. Conditions of Primary Approval**, in the first line change the word **“chapter”** to **“Article”**.
- Section 19. In 3.2.1 **Application to be Filed**, in the second sentence change the words **“development plan”** to the word **“plat”**; and at the end of this subsection add the following text:
- “Application materials for a Detailed Planned Unit Development Site Plan/Plat need only be submitted on forms and in such number and containing such information as required by the Elkhart County Advisory Plan Commission Rules of Procedure.”**
- Section 20. In **Sec. 3.3. Staff Review**, in the fourth sentence change the word **“not”** to **“no”**.
- Section 21. In **Sec. 3.4. Complete Application**, delete the second sentence and replace it with the following text:

“With the exception of a Detailed Planned Unit Development Site Plan/Plat as set forth in subsection 3.2.1 above, a Complete Application and signature page, filed with the Plan Commission Staff, shall contain the following:”

Section 22. Delete 3.4.1 **Preliminary Plan** in its entirety and replace it with the following text:

“3.4.1 Primary Plat

Per applicable primary plat checklist as set forth in the Elkhart County Advisory Plan Commission Rules of Procedure.”

Section 23. In 3.4.2 **Planning Department**, in paragraphs **B.** and **C.**, respectively, change the words “preliminary plan” to “primary plat”.

Section 24. In 3.4.3 **Health Department**, in paragraph **B.1.** change the words “preliminary plan” to “primary plat”; in paragraph **B.3.** add the word “a” between the words “of” and “typical” and between the words “and” and “repair”; and in paragraph **B.4.** change the words “Septic Systems and Water Wells” to “septic systems and water wells”.

Section 25. In 3.4.4 **Highway Department**, in paragraph **C.** change the word “calculation” to “calculations”; and in paragraph **F.** change the word “is” to “in”.

Section 26. Delete 3.4.5 **County Surveyor** in its entirety and replace it with the following text:

“3.4.5 County Surveyor

A. Indicate proximity to regulated drain or water way.

B. Provide location of any wetlands on site and adjacent to the site and method of determination, for example, delineation, scale from map, other.

3.4.6 Soil and Water Conservation District

A. If an acre or more of land will be disturbed then a Stormwater Pollution Prevention Plan needs to be submitted to the SWCD and determined to adequately meet the requirements of Rule 5 before the development plan (DPUD plat) can be placed on the Plan Commission agenda.

3.4.7 Department of Stormwater Management

A. Proposed locations of stormwater management practices and specific points where stormwater discharge will leave the site.

B. If an acre or more of land will be disturbed then a Post-Construction Plan is required.”

Section 27. In **3.5.5 Technical Revisions Committee**, in the second line of the second paragraph add a comma after the word “meeting”; in the third line of the second paragraph change the word “not” to “no”; and in the last sentence of the fourth paragraph change the word “Commissions” to “Commission’s”.

Section 28. In **Sec. 3.6. Hearing Requirements for Primary Approval – Major Subdivisions**, in the first sentence add a comma after the word “process”.

Section 29. In **Sec. 3.7. Primary Approval**, in the second sentence change the words “primary plan” to “primary plat”.

Section 30. In **3.10.2 Secondary Approval for Sections**, in the last sentence change the word “Section” to “subsection”.

Section 31. After **3.10.2 Secondary Approval**, add the following text:

“3.10.3 Extensions of Primary Approval

The applicant may request an extension of the original primary approval for a period of up to five (5) years for subdivisions without sections or phases, and for a period of up to two (2) years for each section or phase for subdivisions with sections or phases. The request shall be made in writing and shall describe the need for the extension. The request shall be considered by the Plan Commission at a public meeting as a non-public hearing item. It shall be within the discretion of a Plan Commission to grant or deny such request. The maximum number of requests permitted is two (2).”

Section 32. In **Sec. 3.11. Application for Secondary Approval**, in the first sentence change the words “primary development plans” to “primary plat”; and at the end of the second sentence, following the word “Director” delete the period and add the following text:

“; notwithstanding the foregoing, review by the Technical Review Committee of a DPUD Secondary Site Plan/Plat is not required.”

Section 33. In **3.13.1 General Information**, in the opening paragraph delete the words “Appendix B to this ordinance” and replace them with “the

Elkhart County Advisory Plan Commission Rules of Procedure”; and in paragraph **G. Drainage Maintenance Certificate**, delete the words “Appendix E” and replace them with “the Elkhart County Advisory Plan Commission Rules of Procedure”.

Section 34. In **Sec. 3.15. Secondary Approval**, in the first sentence change the word “section” to “Section”.

Section 35. In 3.15.2 **Action without Meeting for Minor Subdivisions**, at the end of the first sentence, following the word “subdivision”, delete the period and add the following text:

“, including a DPUD Minor Subdivision Site Plan/Plat.”

Section 36. In 3.15.4 **Compliance with Conditions**, following the word “by” add the following new text:

“Board of County Commissioners (in the case of a DPUD Site Plan/Plat), or”

Section 37. In 3.15.5 **C. Local Agencies**, change the words “Elkhart County Department” to “Elkhart County Departments”.

Section 38. In 3.23.1 **Signatures Required**, delete the words “Appendix B” and replace them with “the Elkhart County Advisory Plan Commission Rules of Procedure”, and delete the words “Section 3.23.2” and replace them with “subsection 3.23.2”.

Section 39. Change the title of 3.25.2 “**Re-plats not Requiring Hearing**” to “**Replats not Requiring Hearing**”.

Section 40. In 3.25.2 **A. Interior Lot Line Removal**, change the word “re-plat” to “replat”.

Section 41. Change the title of 3.25.4 “**Revised Plat and Development Plans**” to “**Revised Plat**”.

Section 42. In 4.1.2 **General Requirements and Standards**, in paragraphs **D.** and **E.**, respectively, change the words “one lot-buildable” to “one-lot buildable”; in paragraph **F.** change the words “one lot” to “one-lot”; in paragraph **J.4.** put a period after the word “tract”, capitalize the word “This”, and add the word “is” after the word “but”; and in paragraph **J.5.** in the second sentence, delete the word “in” and change the word “God” to “nature”.

Section 43. In 4.1.3 **Primary Approval – Application Submittal**, change the word “subdivision” to “Subdivision”, and in paragraph **B.** add a

comma after the word “dimensions”.

Section 44. In 4.1.4 **Primary Appeal – Process**, in the second sentence change the word “have” to “has”.

Section 45. In **Sec. 6.2 Definitions**, in the first sentence change the word “section” to “Sections”.

Section 46. In **Sec. 6.2 Definitions**, in the definition of **COMPREHENSIVE PLAN**, change the words “The comprehensive plan” to “The Comprehensive Plan”; in the definition of **FLOODWAY FRINGE**, replace the illustration with a new, updated illustration; in the definition of **FUNCTIONAL CLASSIFICATION SYSTEM**, change the word “county” to “County”; delete the definition of **INDUSTRIAL SUBDIVISION** in its entirety; at the end of the definition of **JURISDICTION**, change the word “county” to “County”; in the definition of **LOT LINE**, in the second sentence, put a period after the words “rear property lines” and delete the remainder of the definition; add a period at the end of the definition of **PLAN COMMISSION TECHNICAL ADVISORY COMMITTEE**; in the definition of **PLAT, PRIMARY**, delete the words “or development plan”; in the definition of **PLAT COMMITTEE**, change the words “county surveyor” to “County Surveyor”; delete the text in the definition of **PLAT, SECONDARY** in its entirety and replace it with the following text: “The final diagram of all or a portion of a subdivision that is presented for secondary approval.”; in the definition of **PRIVATE STREET** change the words “(see easement)” to “(see EASEMENT)”; in the definition of **RIGHT-OF-WAY (R.O.W.)** in the third sentence add the word “the” between the words “by” and “developer”; and in the definition of **YARD**, replace the illustration with a new, updated illustration.

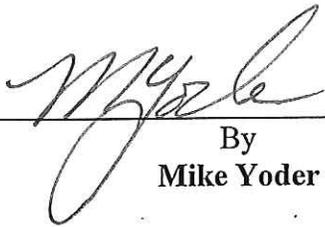
Section 47. Delete in their entireties, Appendix A, Appendix B, Appendix C, Appendix D, and Appendix E.

Section 48. This Ordinance shall be effective on July 1, 2016.

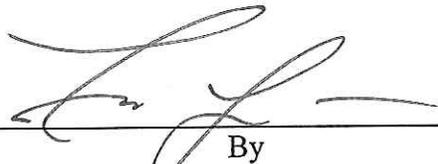
ORDAINED AND ADOPTED THIS 18 DAY OF July, 2016,
AT A REGULAR AND DULY CALLED PUBLIC MEETING OF THE
BOARD OF COMMISSIONERS OF ELKHART COUNTY, INDIANA.



By
Terry Rodino

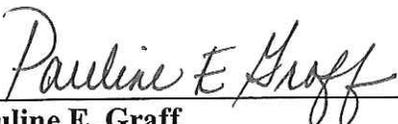


By
Mike Yoder



By
Frank Lucchese

Attest:



Pauline E. Graff
Auditor for Elkhart County

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Solid Waste-Landfill report for June 2016 and placed it on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

July 25, 2016

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Pauline Graff, County Auditor; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Allowance of Claims and Payroll Claims, as presented by the county auditor's office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a Memorandum of Understanding for a Traffic Count Data Collection Agreement with MACOG for various location sites in the county at a cost of \$4,000, as requested by Jeff Taylor, Manager of Transportation. A copy of the agreement is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and signed an LPA financial commitment letter for submitting an application for the Community Crossings Matching Grant for the CR 38 Reconstruction from Island View to CR 17, as requested by Jeff Taylor, Manager of Transportation. The cost of the project is estimated to be \$13,000,000.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a change order for the Paving Program Group 2 with Phend & Brown, Inc. for \$85,280 to pave CR 48 from CR 25 to CR 27, as requested by Jeff Taylor, Manager of Transportation. The change order is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen