

PORTER COUNTY CODE

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 14-03, passed February 4, 2014.

See the Code Comparative Table and Disposition List for further information.

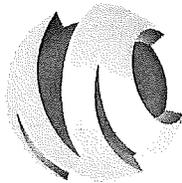
Remove Old Pages

iii
SH:1, SH:2
11, 12
31, 32
46.27—46.30
65
67—70
84-13
109—152
375—377
417
I-1—I-13

Insert New Pages

iii
SH:1, SH:2
11, 12
31, 32
46.27—46.30.3
65
67—70
84.13—84.17
109—117
375—377
417, 418
I-1—I-13

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.



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PREFACE

The Porter County, Indiana Municipal Code, originally published by Book Publishing Company, has been kept current by regular supplementation by Matthew Bender & Company, Inc., its successor in interest.

Beginning with No. Supplement 8, Municipal Code Corporation will be keeping this code current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Gwenn Rinkenberger, county attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 8, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the Code up to date through Ordinance No. 14-03, passed February 4, 2014.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omitted."

By adding to this table with each supplement, users of this Municipal Code will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/Omitted
Supp. No. 10		
10-08	6-15-2010	Omitted
10-09	7- 6-2010	Omitted
10-10	7-20-2010	Omitted
10-11	7-20-2010	Included
10-12	8- 3-2010	Omitted
10-13	9-21-2010	Included
10-14	9-21-2010	Omitted
10-15	11-16-2010	Included
10-16	12- 7-2010	Included
11-01	2- 1-2011	Omitted
11-02	2- 1-2011	Omitted
11-03	2- 1-2011	Omitted
11-04	2-15-2011	Included
11-05	3-22-2011	Omitted
11-06	4-19-2011	Included
11-07	5-17-2011	Included
11-08	6- 7-2011	Omitted
11-09	6-21-2011	Omitted
11-10	6-28-2011	Included
11-11	8- 2-2011	Included
11-12	8-16-2011	Omitted
11-13	10- 4-2011	Omitted
11-14	11-15-2011	Included
11-15	12-20-2011	Included
12-05	3-20-2012	Included
12-08	4-17-2012	Included
12-09	4-17-2012	Included
12-10	4-17-2012	Included
12-14	6- 5-2012	Included
12-18	6-19-2012	Included
12-19	6-19-2012	Included
12-20	6-19-2012	Included

Ord. No.	Date Adopted	Included/Omitted
12-22	8- 7-2012	Included
12-24	10-16-2012	Included
12-25	11-20-2012	Included
12-27	11-20-2012	Included
12-28	12-18-2012	Included
12-29	12-18-2012	Included
12-30	12-18-2012	Included
12-31	12-18-2012	Included
12-32	12-18-2012	Included
13-01	3- 5-2013	Included
13-02	3-19-2013	Omitted
13-03	4- 2-2013	Included
13-04	4-16-2013	Included
13-05	5-21-2013	Included
13-06	6- 4-2013	Included
Supp. No. 11		
13-07	6-18-2013	Omitted
13-08	8-20-2013	Omitted
13-09	9-17-2013	Included
13-10	9-17-2013	Included
13-11	10- 1-2013	Included
13-12	10-15-2013	Included
13-13	11- 5-2013	Included
13-14	11-19-2013	Included
13-15	11-19-2013	Omitted
13-16	12- 3-2013	Included
13-17	12-17-2013	Included
14-01	1-29-2014	Included
14-02	2- 4-2014	Omitted
14-03	2- 4-2013	Omitted

Chapter 2.04

COUNTY FISCAL BODY DISTRICTS

Sections:

2.04.010 Districts established.

2.04.010 Districts established.

The following four county fiscal body districts are established:

District I: All precincts located in Jackson, Liberty, and Pine Townships and all precincts located in Westchester Township including U.S. Census Bureau blocks 181270504071049, 181270504071050 and 181270504071051 in Westchester Precinct 17 and excluding the remainder of Precinct 17 and included as well, Precincts 04 and 06 in Portage Township and Precincts 11 and 25 in Center Township.

District II: All precincts in Portage Township with the exception of Precincts 04, 06, 15, 28 and 33 in Portage Township and included as well all of Precinct 17 in Westchester Township with the exception of U.S. Census Bureau blocks 181270504071049, 181270504071050 and 181270504071051 which are included in District I.

District III: All precincts located in Center Township, with the exception of Precincts 11 and 25 in Center Township.

District IV: All precincts located in Boone, Morgan, Pleasant, Porter, Washington and Union Townships as well as Precincts 15, 28, and 33 in Portage Township. (Ord. No. 14-01; 1-29-2014; Ord. No. 13-17, 12-17-2013)

Editor's note—Ord. No. 13-17, adopted Dec. 17, 2013, amended the Code by repealing former § 2.04.010. The former § 2.04.010 pertained to similar content and derived from Ord. Nos. 91-29, 96-18, and 01-18.

Chapter 2.08

DRAINAGE BOARD

Sections:

2.08.010 Established.

2.08.020 Composition— Appointment—Terms.

2.08.010 Established.

The board of commissioners establishes a civilian county drainage board for Porter County, Indiana, in accordance with the following sections.

The board established in this chapter shall act in and be known by the name of the Porter County drainage board. (Ord. 84-31 (part), § 1)

2.08.020 Composition— Appointment—Terms.

The Porter County drainage board shall consist of five voting members and the Porter County surveyor who shall serve on the board as an ex-officio non-voting member.

A. The five voting members of the Porter County drainage board shall consist of the following:

1. One board member shall be a member of the board of commissioners. Said member shall be appointed to the Porter County drainage board by a majority vote of the board of commissioners.

2. The remaining four members shall consist of resident free-holders of Porter County who are knowledgeable in drainage matters. Said board members shall be appointed by the board of commissioners. The board of commissioners shall provide geographical balance to the board by appointing one resident free-holder from each county commissioner district to the board and by appointing one resident free-holder on an at-large basis.

B. The term of those persons appointed to the Porter County drainage board shall

be for three years with the initial appointments made so as to provide for the staggering of terms on an annual basis. (Ord. 84-31 §§ 2—4)

- 3.45 **Sunset Hill Farm Park
Educational Center Fund**
- 3.46 **Fund of Receipt of Gross
Taxes Collected by Tax
Management Associates, Inc.**
- 3.47 **Take Me Fishing Project Fund**
- 3.48 **Memorial Donation Fund**
- 3.49 **Charitable Donation Fund for
County Central
Communications**
- 3.50 **Building, Planning and Zoning
Fund**
- 3.51 **Fund for Deposit of Proceeds
from an Arcelor Mittal Grant
to Enhance Park Programming**
- 3.52 **Police Department Charitable
Donation Fund**
- 3.53 **Fund for Deposit of Proceeds
from Lake Michigan Coastal
Program Grant**
- 3.54 **Immunization Donation Fund**
- 3.55 **Board of Health
Administration of Antabuse
Program and Establishing User
Fee**
- 3.56 **Memorial Opera House
Management Fund**
- 3.58 **Court Ordered Detention
Services Fund**
- 3.62 **Special Fund**
- 3.64 **Debris and Refuse Fund**
- 3.66 **Fixed Asset Capitalization and
Inventory Policy**
- 3.68 **Nonreverting Fund for
Telephone Rebate Monies
Deposit**
- 3.70 **Disposition of Surplus
Personal Property for ITS
Department**
- 3.74 **County Identification Security
Protection Fee and Fund**

- 3.76 Video Tape Duplication Fee and Fund**
- 3.78 Porter County Sheriff's Department Civil Division Fees and Fund**
- 3.80 Calumet Trail Donation Fund**
- 3.82 Purchasing Agency and Purchasing Agents**
- 3.84 Purchasing Rules and Policies**
- 3.86 Prisoner Reimbursement of Incarceration Costs**
- 3.88 South County Highway Garage Fund**
- 3.90 Juvenile Detention Center Charitable Donation Fund**
- 3.92 Memorial Opera House Donation Fund**
- 3.94 Paul C. Zona, Sr. Wildlife Sanctuary Donation Fund**
- 3.96 Investigative Photograph Duplication Fee and Fund**
- 3.98 Nonreverting Porter County Police Training Fund**

Any funds contained in the building, planning and zoning fund shall be appropriated only upon recommendation from the board of county commissioners and after the Porter County council approves the appropriation pursuant to the rules for budget appropriations. The funds shall be appropriated only for the specific purposes set forth in this chapter.

If the balance of the building, planning and zoning fund is insufficient the Porter County council will be requested to provide additional monies from the general fund to continue operation of the building department and plan commission.

Expenditures from the building, planning and zoning fund for the purposes stated herein shall commence effective January 1, 2004. (Ord. 03-13 § 3)

**3.50.030 Termination of funds—
Transfer of funds.**

The Porter County building, planning and zoning fund shall remain in existence and remain perpetual in its terms until amended or terminated by subsequent ordinance enacted by the board of county commissioners of Porter County; and if and when a subsequent ordinance is passed to terminate the life of the Porter County building, planning and zoning fund, the fund balance existing and if not otherwise provided for by ordinance, if any at that time, shall be transferred to the county general fund. (Ord. 03-13 § 4)

Chapter 3.51

**FUND FOR DEPOSIT OF PROCEEDS
FROM AN ARCELOR MITTAL
GRANT TO ENHANCE PARK
PROGRAMMING**

Sections:

3.51.010 Fund established.

3.51.020 Use of revenues.

3.51.030 Termination of fund.

3.51.010 Fund established.

The board of county commissioners has determined that a need exists for creation of a fund to serve as the depository of the proceeds from an Arcelor Mittal grant for utilization in enhancing Porter County park department programming to middle school students.

(Ord. No. 13-09, § 1, 9-7-2013)

3.51.020 Use of revenues.

The funds received and deposited in the fund for deposit of proceeds from an Arcelor Mittal grant to Porter County park department shall be used only for the exclusive and limited purpose of the enhancing park programming to middle school students.

(Ord. No. 13-09, § 1, 9-7-2013)

3.51.030 Termination of fund.

The fund for deposit of proceeds from an Arcelor Mittal grant for utilization in enhancing Porter County park department programming to middle school students shall remain in existence and remain perpetual in its terms under amended or terminated by subsequent ordinance enacted by the Porter County board of commissioners. If and when a subsequent ordinance is passed to terminate the life of this fund, the balance remaining, if not otherwise provided for by ordinance shall revert to the park maintenance fund.

(Ord. No. 13-09, § 1, 9-7-2013)

Chapter 3.52

POLICE DEPARTMENT CHARITABLE DONATION FUND

Sections:

3.52.010 Fund established.

3.52.020 Use of donations.

**3.52.030 Termination of fund—
Transfer of funds.**

3.52.010 Fund established.

A Porter County sheriff's police department charitable donation fund is established whereby all charitable donations received by the Porter County sheriff's police department for law enforcement needs shall be deposited in this special fund. (Ord. 96-38 § 1)

3.52.020 Use of donations.

The charitable donations received and deposited in the Porter County sheriff's police department charitable donation fund can be used only for the specific purposes set forth in this chapter; said expenditures to be limited for utilization by the Porter County sheriff's police department to purchase educational materials and equipment; to help provide law enforcement training and assistance; and for other costs which are incurred relating to the duties and functions of the Porter County sheriff's police department.

The donations generated and deposited in the charitable donation fund and expenditures therefrom will be made by the Porter County sheriff for the purposes of purchasing educational materials and equipment; to help provide law enforcement training and assistance; and for other costs which are incurred relating to the duties and functions of the Porter County sheriff's police department.

The charitable donations generated and deposited in the Porter County sheriff's police department charitable donation fund and expenditures therefrom will be made by the Porter County sheriff for the purposes of the Porter County sheriff's police department expenses set forth in this chapter. (Ord. 96-38 §§ 2—4)

3.52.030 Termination of fund— Transfer of funds.

The Porter County sheriff's police department charitable donation fund shall remain in existence and remain perpetual in its terms until amended or terminated by subsequent ordinance enacted by the board of commissioners; and if and when a subsequent ordinance is passed to terminate the life of the Porter County sheriff's police department charitable donation fund, the fund balance existing and if not otherwise provided for by ordinance, if any at that time, shall be transferred to the county general fund. (Ord. 96-38 § 5)

Chapter 3.53

**FUND FOR DEPOSIT OF PROCEEDS
FROM LAKE MICHIGAN COASTAL
PROGRAM GRANT**

remaining, if not otherwise provided for by ordinance shall revert to the park maintenance fund.

(Ord. No. 13-10 § 2, 9-17-2013)

Sections:

3.53.010 Fund established.

3.53.020 Use of revenues.

3.53.030 Termination of fund.

3.53.010 Fund established.

The board of county commissioners has determined that a need exists for creation of a fund to serve as the depository of the proceeds from a Lake Michigan Coastal Program grant to the Porter County park department for the prairie and lake restoration project within Sunset Hill Farm Park. (Ord. No. 13-10 § 2, 9-17-2013)

3.53.020 Use of revenues.

The funds received and deposited in the fund for deposit of proceeds from Lake Michigan Coastal Program grant to Porter County park department shall be used only for the exclusive and limited purpose of the prairie and lake restoration project within Sunset Hill Farm Park. (Ord. No. 13-10 § 2, 9-17-2013)

3.53.030 Termination of fund.

The fund for deposit of proceeds from Lake Michigan Coastal Program grant to Porter County park department for purposes of the prairie and lake restoration project within Sunset Hill Farm Park shall remain in existence and remain perpetual in its terms under amended or terminated by subsequent ordinance enacted by the Porter County board of commissioners. If and when a subsequent ordinance is passed to terminate the life of this fund, the balance

Chapter 3.54

IMMUNIZATION DONATION FUND

Sections:

3.54.010 Fund established.

3.54.020 Use of revenues.

**3.54.030 Transfer of fund—
Transfer of funds.**

3.54.010 Fund established.

The board of commissioners does determine that a need exists for the creation of an immunization donation fund whereby all charitable donations and revenues received by the Porter County board of health for the benefit and advancement of the Porter County health department immunization program shall be deposited in the fund. (Ord. 03-11 § 1)

3.54.020 Use of revenues.

The funds received and deposited in the immunization donation fund can be used only for the specific purposes set forth in this chapter. The funds received and deposited in the immunization donation fund will be expended exclusively for the Porter County health department immunization program. (Ord. 03-11 § 2)

3.54.030 Termination of fund— Transfer of funds.

The immunization donation fund shall remain in existence and remain in perpetual in its terms until amended or terminated by subsequent ordinance enacted by the board of commissioners; and if and when a subsequent ordinance is passed to terminate the existence of the immunization donation fund, fund balance existing and if not otherwise provided for ordinance if any at that time shall be transferred to the health general fund. (Ord. 03-11 § 3)

Chapter 3.55**BOARD OF HEALTH
ADMINISTRATION OF ANTABUSE
PROGRAM AND ESTABLISHING
USER FEE****Sections:**

**3.55.010 Antabuse Program
administration.**

3.55.020 User fee.

**3.55.010 Antabuse Program
administration.**

The Porter County board of health by and through the Porter County health officer and the Porter County health department staff shall assume responsibility for all aspects of the administration of the Porter County Antabuse Program. The Porter county board of health by and through the Porter County health officer and the Porter County health department staff is hereby authorized and empowered to implement appropriate policies, practices and procedures for participation and utilization of the Porter County Antabuse Program.

(Ord. No. 13-16, 12-3-2013)

3.55.020. User fee.

The Porter County Antabuse Program shall operate on the collection of user fees which shall be adequate and sufficient to fully fund all aspects of the Antabuse Program including but not necessarily limited to the cost of purchasing the Antabuse drug; nursing staff and security costs at the Antabuse distribution centers and other related administrative expenses.

Pursuant to IC 16-20-1-27 and IC 36-1-3-8(a)(6), the user fee for participation in the Porter County Antabuse Program shall be in the amount of one hundred and twenty dollars (\$120.00) per month per participant.

(Ord. No. 13-16, 12-3-2013)

Chapter 3.56**MEMORIAL OPERA HOUSE
MANAGEMENT FUND****Sections:****3.56.010 Fund established.****3.56.020 Use of revenues.****3.56.030 Termination of fund—
Transfer of funds.****3.56.010 Fund established.**

A special nonreverting Memorial Opera House management fund be established whereby all revenues generated and received from the management of the Memorial Opera House by the Porter County convention, recreation and visitors commission as a result of the Memorial Opera House management and promotion agreement shall be deposited in this special fund.

More specifically, all revenues received from all events at the Memorial Opera House and all revenues generated as a result of the management and promotion agreement between the Porter County board of commissioners and the Porter County convention, recreation and visitors commission shall be deposited in this special fund. (Ord. 97-7 §§ 1, 2)

3.56.020 Use of revenues.

The revenues generated from events at the Memorial Opera House shall be received and deposited in the special nonreverting Memorial Opera House management fund, said funds to be used only for the specific purposes set forth in this chapter.

The revenues generated and deposited in the special nonreverting Memorial Opera House management fund shall be utilized specifically and exclusively for expenditures related to the operation of the Memorial Opera House, said expenditures to be approved by the Porter County board of commissioners.

The specific expenditures approved pursuant to this chapter to be paid from the Memorial Opera House management fund include payment of management costs associated with the implementation of the terms and conditions set forth in the Memorial Opera House management and promotion agreement, including budget supplements to the Porter County convention, recreation and visitors commission to defray costs incurred by it in the promotion, management, staffing, and scheduling of activities at the Memorial Opera House. (Ord. 97-7 §§ 3—5)

**3.56.030 Termination of fund—
Transfer of funds.**

The special nonreverting Memorial Opera House management fund shall remain in existence and remain perpetual in its terms until amended or terminated by subsequent ordinance enacted by the board of commissioners; and if and when a subsequent ordinance is passed to terminate the life of the special non-reverting Memorial Opera House management fund, the fund balance existing and if not otherwise provided for by ordinance, if any at that time, shall be transferred to the county general fund. (Ord. 97-7 § 6)



Title 8

HEALTH AND SAFETY

Chapters:

- 8.04 County Board of Health Fees
- 8.08 Retail Food Stores
- 8.10 Food Service Establishments
- 8.12 Garbage and Refuse Dumping
- 8.16 911 Emergency Telephone System
- 8.18 Automatic and Manual Alarm Systems
- 8.20 Noise Control
- 8.24 Sanitary Landfills and Solid Waste Disposal Facilities
- 8.28 Solid Waste Planning District
- 8.32 Residential Sewage Disposal Systems
- 8.33 On-Site Sewage System Installers
- 8.34 Refuse and Recycling
- 8.36 Unsafe Building Law
- 8.37 Swimming Pool Rules
- 8.38 Maintenance and Monitoring of Drop Off Recycling Sites
- 8.40 Sale or Use of Synthetic Cannabinoids Prohibited
- 8.44 Tattoo Parlor/Body Piercing Facility Regulations
- 8.48 Safe Schools Commission

Chapter 8.04

COUNTY BOARD OF HEALTH FEES

Sections:

- 8.04.010 Individual or private sewage disposal system—Permit required—Fee.**
 - 8.04.020 Food service establishment permit—Fee.**
 - 8.04.030 Birth and death certificate issuance—Genealogical research request—Fee.**
 - 8.04.040 Well permit—Fee.**
 - 8.04.041 Adult immunization and tuberculosis screening programs—Fee.**
 - 8.04.042 Food service—Fee.**
 - 8.04.050 Deposit of collected fees.**
- 8.04.010 Individual or private sewage disposal system—Permit required—Fee.**

No individual or private sewage disposal system consisting of a septic tank and an acceptable form of field absorption system shall be placed, maintained or installed on any premise in the unincorporated area of Porter County, Indiana, prior to the issuance of a permit therefor by the Porter County health officer.

A. The Porter County health officer by and through the Porter County health department shall collect a fee for the issuance of individual permits as described in this section according to the following schedule:

For each initial installation of a private sewage disposal system: one hundred eighty-two dollars (\$182.00);

For each repair of a private sewage disposal system: one hundred sixty-eight dollars (\$168.00).

B. The Porter County health officer is empowered to modify the fee charged for the permitting and inspection of a private sewage disposal system when, in the opinion of the health officer, the system presents unique and special circumstances justifying a reduction of the permit and inspection fee due to the modified nature of the proposed system and the resulting substantial reduction in time and manpower committed by the health department to the permit issuance and system inspection process.

C. Any appeal of the denial of the issuance of a permit for an individual or private sewage disposal system pursuant to Chapter 8.32 shall be accompanied by a filing fee in the amount of twenty dollars (\$20.00).

D. The Porter County health officer by and through the Porter County health department shall make a charge of sixty dollars (\$60.00) for each inspection of an individual or private sewage disposal system as such may from time to time be requested by financial institutions and lending agencies in connection with a loan approval.

E. Each permit issued by the Porter County health officer for an individual or private sewage disposal system as above described shall be valid for two calendar years after its issuance, after which expiration of time the permit shall lapse and expire. (Ord. 96-26 § 1; Ord. 95-6 § 1)

8.04.020 Food service establishment permit—Fee.

A. The Porter County health officer, by and through the staff of the Porter County health department, is authorized to and shall collect a fee in the amount of three hundred dollars (\$300.00) for the annual permitting of a retail food establishment as defined in 410 IAC 7-24-79 which occupies less than three thousand (3,000)

square feet. A retail food establishment which occupies between three thousand (3,000) square feet and less than ten thousand (10,000) square feet shall be assessed an annual permit fee of four hundred dollars (\$400.00). A retail food establishment occupying ten thousand (10,000) square feet or more shall be assessed an annual permit fee of five hundred dollars (\$500.00).

B. The Porter County health officer by and through the Porter County health department is authorized to and shall collect a fee in an amount of two hundred forty dollars (\$240.00) for the issuance of a partial annual retail food establishment permit. A partial retail food establishment permit shall be issued to those retail food establishments operating for six months or less during any calendar year.

C. The Porter County health officer by and through the Porter County health department is authorized to and shall collect a fee in the amount of twenty dollars (\$20.00) per day up to a maximum of one hundred dollars (\$100.00) per calendar year for a temporary food establishment as defined in 410 IAC 7-24-98.

D. The Porter County health officer by and through the Porter County health department is authorized to and shall collect a fee in the amount of one hundred dollars (\$100.00) for the issuance of a limited retail food establishment permit for those establishments without a full service kitchen and limited sales to prepackaged food.

E. The Porter County health officer, by and through the staff of the Porter County health department is authorized to and shall establish the annual renewal date for all retail food establishment permits and shall establish a system of penalties includ-

ing potential closure of any retail food establishment failing to comply with the permitting requirements.

(Ord. No. 13-12, § 1, 10-15-2013; Ord. 99-22 § 1; Ord. 98-26 § 1; Ord. 96-26 § 2; Ord. 95-6 § 2)

8.04.030 Birth and death certificate issuance—Genealogical research request—Fee.

Pursuant to I.C. 16-20-1-27, the Porter County health officer, by and through the Porter County health department is authorized and directed to collect a fee for providing vital records as follows:

A. Standard birth certificate	\$6.00
B. Wallet birth certificate	\$10.00
C. Combination standard/wallet birth certificate	\$15.00
D. Death certificate	\$9.00
E. Paternity of affidavit	\$25.00
F. Affidavit of amendment	\$25.00

The Porter County health officer, by and through the Porter County health department is authorized and directed to collect a fee of two dollars (\$2.00) per each genealogical research request.

(Ord. No. 13-03, § 1, 4-2-2013; Ord. 07-10 § 1; Ord. 02-05 § 1; Ord. 96-26 § 3; Ord. 95-6 § 3)

Editor's note—Ord. No. 13-03, § 2, adopted April 2, 2013, provides that this new schedule of fees to be collected by the Porter County health department shall become effective as of July 1, 2013, and shall remain in full force and effect until subsequently amended by the Porter County board of commissioners.

8.04.040 Well permit—Fee.

The Porter County health officer by and through the Porter County is authorized and directed to collect a fee of twenty-

five dollars (\$25.00) for the issuance of a well permit under the provisions of Section 18.08.020A. (Ord. 96-26 § 4; Ord. 95-6 § 4)

8.04.041 Adult immunization and tuberculosis screening programs—Fee.

The Porter County health officer, by and through the Porter County health department, is hereby authorized to and shall collect a fee from participants in the adult immunization and tuberculosis screening programs. The Porter County health officer shall establish a fee schedule. The fee shall not exceed the costs of the vaccine, serum and other biologicals plus a maximum ten dollar (\$10.00) administration fee. (Ord. 00-5 § 1)

8.04.042 Food service—Fee.

The Porter County health officer, by and through the Porter County health department, is authorized to and shall collect a fee for the review of food service establishment site plans as follows:

Under 3,000 square feet	\$ 50.00
3,000 to 10,000 square feet	100.00
More than 10,000 square feet	200.00

(Ord. 05-19 § 1)

8.04.050 Deposit of collected fees.

All fees collected under the terms of this chapter shall be deposited in the Porter County health fund. (Ord. 96-26 § 5; Ord. 95-6 § 5)

Chapter 8.08

RETAIL FOOD STORES

Sections:

- 8.08.010** Definitions.
- 8.08.020** Permit/license.
- 8.08.030** Minimum sanitation requirements for retail food stores.
- 8.08.040** Sale, examination and condemnation of unwholesome, adulterated or misbranded food.
- 8.08.050** Disease control.
- 8.08.060** Inspection of retail food stores—Revocation and suspension of permit.
- 8.08.070** Approval of plans.
- 8.08.080** Violations—Penalties.

8.08.010 Definitions.

The definitions contained in 410 IAC 7-16.1-1 are adopted herein and made a part of this chapter. The following additional definitions shall apply in the interpretation and enforcement of this chapter:

"Employee" means any person who comes in contact with any utensil or equipment in which food is prepared or stored, or who is employed in a room or place in which food is prepared, processed, displayed or sold.

"Food" includes all articles used for food, drink, confectionery or condiment, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof.

"Health officer" means the county health officer, or his authorized representative.

"Person" means but is not limited to, any individual, partnership, co-partnership, firm, company, corporation, associa-

tion, joint-stock company, trust, estate or municipality, or his or its legal representative or agent.

"Porter County" means those rural and urban areas which are under the jurisdiction of the Porter County health officer.

"Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, nonpotentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; food-service establishment; or food and beverage vending machines.

"Utensil" includes all containers, or any equipment of any kind or nature with which food comes in contact after delivery to a retail food store, during storage, preparation, processing, display or sale. (Ord. 96-49 § 1)

8.08.020 Permit/license.

A. Permit/License. It is unlawful for any person to operate a retail food store in Porter County, who does not possess a valid permit/license from the health officer. Such permit/license shall be posted in a conspicuous place in such retail food store. Only persons who comply with the applicable requirements of this chapter shall be entitled to receive and retain such a permit/license. The permit/license for a retail food store shall be for a term of one year beginning January 1st and expiring December 31st of the same year and shall be renewed annually. Any permit/license issued

Chapter 8.40**SALE OR USE OF SYNTHETIC
CANNABINOIDS PROHIBITED****Sections:****8.40.010 Established.****8.40.020 Enforcement.****8.40.030 Violations and penalties.****8.40.010 Established.**

A. Products containing synthetic cannabinoids ("products"), such as K1/Spice, or similar products which contain one or more of the following chemical compounds:

1. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;
2. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018;
3. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073; or
4. Any other equivalent compound or derivative;

Shall not be sold, marketed or offered for sale within Porter County, Indiana; and

B. Products containing synthetic cannabinoids ("products") may not be burned, incinerated or ignited in any public place or on any property owned, leased or controlled by Porter County.

(Ord. No. 10-13, § 2, 9-21-2010)

8.40.020 Enforcement.

A. Enforcement of this chapter shall be by the Porter County sheriff's police.

B. It shall be the duty of the Porter County prosecuting attorney, to whom the Porter County sheriff's police shall report any violation of the provision of this chapter, to cause proceedings to commence against the person violating the provision of this chapter and to prosecute to final termination.

(Ord. No. 10-13, § 3, 9-21-2010)

8.40.030 Violations and penalties.

A. Persons or entities violating the provisions of this chapter shall be subject to penalties set forth at I.C. 36-1-3-8(10)(B).

B. Violations of this chapter in unincorporated areas of Porter County shall be punishable by a fine of up to two thousand five hundred dollars (\$2,500.00) for a first violation and up to seven thousand five hundred dollars (\$7,500.00) for a second or any subsequent violation of this chapter.

C. The Porter County prosecutor's office is authorized to bring a civil action pursuant to I.C. 36-1-6-4 to enjoin any person or business from violating this chapter. (Ord. No. 10-13, § 4, 9-21-2010)

Chapter 8.44**TATTOO PARLOR/BODY PIERCING
FACILITY REGULATIONS****Sections:**

- 8.44.010 Definitions.**
- 8.44.020 Minimum operating requirements for tattoo parlor/body piercing facility.**
- 8.44.030 Permit and fee requirements.**
- 8.44.040 Inspection of tattoo parlors/body piercing facilities; authority to inspect and copy records.**
- 8.44.050 Penalties.**

8.44.010 Definitions.

The definitions contained in 410 IAC 1-5 are adopted herein and made a part hereof. The following additional definitions shall apply to the interpretation and enforcement of this section:

"Health officer" means the Porter County health officer or his/her authorized representative.

(Ord. No. 13-13, § 1, 11-5-13)

8.44.020 Minimum operating requirements for tattoo parlor/body piercing facility.

All persons owning or operating a tattoo parlor/body piercing facility in Porter County shall comply with the minimum sanitation and operation requirements specified by the Indiana state board of health as now provided in 410 IAC 1-5 or as the same may be hereafter changed, modified or amended. Such regulation and any changes and amendments thereto which may be hereafter adopted or promulgated by the Indiana state board of health are by reference incorporated herein and made a part hereof.

The currently applicable regulatory provisions of 410 IAC 1-5 are on file for public inspection in the office of the Porter County health department.

(Ord. No. 13-13, § 2, 11-5-13)

8.44.030 Permit and fee requirements.

A. Permit. It shall be unlawful for any person to engage in body tattooing and/or body piercing at any location and/or facility which does not possess a valid permit issued by the Porter County health officer. Such permit shall be posted in a conspicuous place on the premises where body tattooing and/or body piercing is being offered to the public. Each owner or operator of a body tattooing and/or piercing facility shall be responsible for securing and maintaining a valid Porter County health department permit and shall be responsible for compliance with the provisions of this section for all such activity performed on the premises. The permit shall be for a term of not more than one year and renewed annually on or before January 1. Any permit issued by the Porter County health officer shall contain the name and address of the owner/operator of the facility for which the permit is issued and contain such other data as the Porter County health officer may deem necessary.

B. Permit Fee. The Porter County health officer is hereby authorized and empowered to collect an annual permit fee from each tattoo parlor/body piercing facility in the amount of one hundred dollars (\$100.00). The authorized permit fee shall be payable with the initial and/or annual permit renewal application which shall be due on or before January 1. The Porter County health officer is further authorized and empowered to collect a late fee in the amount of ten dollars (\$10.00) if a permit renewal application is submitted after the permit expiration date of January 1.

(Ord. No. 13-13, § 3, 11-5-13)

8.44.040 Inspection of tattoo parlors/body piercing facilities; authority to inspect and copy records.

A. Any owner and/or operator of a regulated tattoo parlor/body piercing facility in Porter County shall, upon the request of the Porter County health officer, permit such health officer or his/her authorized representative access to the tattoo parlor/body piercing facility during regular business hours and shall permit the Porter County health officer or his/her authorized representative to collect evidence and/or exhibits and to copy any and all records relative to the enforcement of this section.

B. Inspection of Facilities. The Porter County health officer or his/her authorized representative shall implement a regular program of inspecting tattoo parlors/body piercing facilities regulated under the provisions of this section. If upon such an inspection, the Porter County health officer or his/her authorized representative finds that the permitted tattoo parlor/body piercing facility is violating any of the provisions of this section, then and in that event, the Porter County health officer or his/her authorized representative shall provide the owner/operator of the permitted tattoo parlor/body piercing facility with written notice of such violations and shall give the owner/operator of the tattoo parlor/body piercing facility reasonable time to rectify the section violations. If upon a second inspection, the Porter County health officer or his/her authorized representative finds that the permitted tattoo parlor/body piercing facility remains in violation of the provisions of this section, the Porter County health officer or his/her authorized representative may promptly issue a written order to the permit holder of such tattoo parlor/body piercing

facility to appear at a certain time, no later than ten days from the date of the second inspection and at a place in Porter County fixed and said notification to show cause why the permit issued under the provisions of this section should not be revoked. At said hearing, the permitted shall be given an opportunity to show cause and upon failure to do so, the permit issued under the provisions of this section shall be revoked until such time as the permittee is in full compliance with the terms and provisions of this section. The Porter County health officer shall maintain a permanent record of the proceeding revoking any permit issued under the provisions of this section under the provisions of the Porter County health department.

C. Suspension of Permit. Any permit issued under this section may be temporarily suspended by the Porter County health officer without notice or hearing for a period not to exceed thirty (30) days for any of the following reasons:

1. Unsanitary or other conditions which in the health officers opinion present an immediate and present danger of seriously exposing the public to a health hazard.

2. Interference with the health officer or any of his/her authorized representatives in the performance of their duties under the provisions of this section.

Provided, however, upon written application from the permittee, served upon the health officer within fifteen (15) days after such suspension, the health officer shall conduct a hearing upon the matter after giving at least five days written notice of the time, place and purpose thereof to the suspended permittee.

Provided further, that any such suspension order shall be issued by the health officer in writing and served upon the permittee by leaving a copy at the permittee's

usual place of business or by delivering of certified or registered mail to such address. Such person whose permit has been suspended may at any time make application to the local health officer for the reinstatement of his/her permit.

(Ord. No. 13-13, § 4, 11-5-13)

8.44.050 Penalties.

The Porter County health officer is hereby authorized and empowered to impose a civil penalty on any person or entity found to be in violation of the regulatory provisions of this section. Upon a finding of a violation, the violator may be assessed and penalized for the first offense by a fine of not more than five hundred dollars (\$500.00); for the commission of a second offense within twelve (12) calendar months by a fine of not more than one thousand dollars (\$1,000.00); and for a third offense and each subsequent offenses within twelve (12) calendar months by a fine of not to exceed two thousand five hundred dollars (\$2,500.00). Each day of operation of a permitted tattoo parlor/body piercing facility in violation of this section or after the expiration of the time limit for abating an unsanitary condition as ordered by the Porter County health officer shall constitute a distinct and separate offense.

(Ord. No. 13-13, § 5, 11-5-13)

Chapter 8.48

SAFE SCHOOLS COMMISSION

Sections:

8.48.010 Porter County safe schools commission.

8.48.020 Commission members.

8.48.030 Organization of commission.

8.48.040 Administration.

8.48.010 Porter County safe schools commission.

Pursuant to IC 5-2-10.1-10, the Porter County safe schools commission (commission) is hereby established. The commission will be governed by applicable statutes and regulations governing a county school safety commission.

(Ord. No. 13-11, § 1, 10-1-2013)

8.48.020 Commission members.

The members of the commission will, at a minimum, be as follows:

1. School safety specialists for each school corporation in Porter County, Indiana;

2. The judge of the Porter County circuit court, juvenile division, or the judge's designee;

3. Porter County sheriff;

4. Chief officer (or their designee) of every other law enforcement agency in Porter County, Indiana;

5. A representative of the Porter County juvenile probation system appointed by the Porter County circuit court judge;

6. Representative of such community agencies that work with children in Porter County, Indiana as selected and appointed by the board of commissioners of Porter County, Indiana;

7. A representative of the Indiana state police district that serves Porter County, Indiana as appointed by the state police superintendent;

8. A representative of the prosecuting attorney's council of Indiana specializing in the prosecution of juveniles as appointed by the prosecuting attorney's council of Indiana;

9. Such other appropriate individuals selected by the commission;

10. Members of the commission serving as an appointee or designee for another shall serve at the pleasure of the appointing authority;

11. Members of the commission who serve by virtue of their position will serve on the commission as long as they retain their position.

(Ord. No. 13-11, § 2, 10-1-2013)

8.48.030 Organization of commission.

The school safety specialist for the school corporation in Porter County, Indiana having the largest average daily membership (as defined in IC 20-18-2-2) shall convene the initial meeting of the commission. The members of the commission shall annually elect a chairperson and a secretary. Each member of the commission will be entitled to vote on matters under consideration by the commission. The affirmative votes of the majority of the voting commission members are required for the commission to take action.

(Ord. No. 13-11, § 3, 10-1-2013)

8.48.040 Administration.

The commission shall carry out such duties as are required by the state of Indiana and Indiana law pursuant to IC 36-2-2. The administrative functions of the commission shall be performed and fulfilled by the school safety specialists for the school corporations serving the commission.

(Ord. No. 13-11, § 4, 10-1-2013)



Chapter 12.04

ROAD AND STREET SPECIFICATIONS

Sections:

- 12.04.010 Definitions.
 - 12.04.020 Reserved.
 - 12.04.030 Dedication of street right-of-way by metes and bounds.
 - 12.04.040 Reserved.
 - 12.04.050 Plan submission including performance bond.
 - 12.04.060—12.04.260 Reserved.
 - 12.04.270 Standard plans and typical cross sections.
 - 12.04.280—12.04.450 Reserved.
 - 12.04.460 Highway maintenance system—Acceptance procedures.
 - 12.04.470 Reserved.
 - 12.04.480 Permit bond and liability insurance.
 - 12.04.490 Sidewalk permits.
 - 12.04.500 Driveway approach permits.
 - 12.04.510 Permit to cut into the county right-of-way—Road cuts.
 - 12.04.520 Oversize and overweight permits.
 - 12.04.530 Pole line permits.
 - 12.04.540 Utility permits.
 - 12.04.550 Reserved.
- 12.04.010 Definitions.**

As used in this chapter, the following words and phrases shall be understood to mean as follows:

"Alley" means right-of-way other than a street, road, crosswalk or easement designed for the special accommodation of the property it reaches and serves.

"Arterial street" means an arterial street interconnects with expressways providing a continuous high mobility network which primarily serves regional and intra-county traffic.

"Board" means the board of commissioners of the county of Porter, Indiana.

"Boulevard street" means two or more distinct lanes of traffic, flowing in opposite directions, which are separated by a physical barrier, grassed median or landscaped island.

"Collector street" means a collector street distributes traffic from the arterial system to neighborhood street systems (minor collectors and local), generally operating with a moderate service level and traffic volume.

"Commission" means the Porter County plan commission.

"Construction access road" means a temporary, nondedicated, unplatted right-of-way, other than a street, alley or easement designed to provide sole ingress and egress for all development and construction equipment as well as all laborers and materials in connection with the improvements of a platted subdivision of land including but not limited to the construction of dwellings, buildings and other improvements which right-of-way is constructed and maintained by the developer and owner at either's sole expense or their cumulative expense and continuously in the absolute ownership and/or exclusive control of the developer and owner until such time as ninety (90) percent of the record lots have dwelling completed for occupancy or other buildings located thereon, and/or unless by prior release by the Porter County plan commission.

"County highway administration" means government bodies that include all aspects of construction, maintenance, re-

pairs and operation of a county highway system from planning to the final execution.

"County highway system" includes all roads, bridges, culverts and the necessary supports thereto of earth, masonry or other material, and further includes drainage facilities, as well as roadside development within the rights-of-way within Porter County, Indiana.

"Cul-de-sac street" means a dead-end street that terminates in a circular right-of-way and does not provide more than one access point onto another street, nor act as a collector, or means of access to lots not fronting thereon.

"Dead-end street" means a street having one of its termini closed.

"Developer" means any person or organization who lays out and subdivides land.

"Easements" are strips of ground shown on the plat marked "drainage easements," "sewer easements" and "utility easements," either separately or in any combination of the three, which are reserved for the use of public utility companies and governmental agencies. Drainage easements are created to provide paths and courses for area and local storm drainage, either overland or in the public drainage system. Responsibility of maintenance placed on the property owner, the homeowner association, or the local agency bearing jurisdiction over an urban drainage system. Sewer easements are created for the use of the local agency bearing jurisdiction over the storm and sanitary waste disposal system for the purpose of installation and maintenance of sewers that are part of the system. Utility easements are created for the use of all utility companies, not including transportation companies, for the installation of mains, ducts, poles, lines, wires and also all rights and uses specified for sewer easements above designated.

"Expressway-freeway" means an expressway-freeway operates at a high service level, consists of limited land access, carries region-wide traffic and is generally classified as part of the interstate system.

"Highway supervisor" means the person employed by the board to administer the affairs of the highway maintenance department.

"Highway engineer" means the person employed by the board to undertake all of the engineering duties required in operating the county highway and related drainage systems pursuant to statute.

"Industrial street" or "commercial street" means a street which, by virtue of its location or design, primarily serves as an access to industrial or commercial property or serves to conduct traffic from industrial or commercial land to a higher classification street.

"Local street" means a residential street designed to provide access to adjacent property and to conduct traffic from low volume streets to an activity center or higher classification street.

"Lot" means a parcel of land of specific form and dimension, situated within a legally recorded plat, and is designated by number or letter for convenience or accuracy, in legal conveyance of the title thereto.

"Lot corner" means a lot abutting two or more streets at their intersection where the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees.

"Low volume street" means a residential street having a maximum number of twenty (20) lots.

"Master plan" means the complete plan or any of its parts for the development of the county as prepared by the commission and adopted in accordance with chapter

174, Acts of 1947 General Assembly of Indiana, and acts amendatory thereto, as is now or may hereafter be in effect.

"Minor collector street" means a minor collector street serves as a connecting link between collector streets and local streets, primarily serving internally to residential communities.

"Parcel" means a part or portion, a piece of land described and taken from a larger area.

"Pavement width" means the width of the paved surface measured from the outer edges of that surface, or in the case of a curbed surface, measured from the back of the curb to the back of the opposite curb.

"Person" means a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

"Proposed plat" means the map or drawing on which the subdividers plan of subdivision is presented.

"Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include bridges, culverts, sewers, service pipes, under drains, foundation drains, buildings, mobile homes, fences, billboards and pools.

"Subdivision" (including the word "subdivide") means the division, or act thereof, by conveyance, of a parcel of land into lots or other parcels therefrom and approved by the Porter County plan commission, when applicable.

"Subgrade" means the top of the road-bed upon which the pavement structure and shoulders are constructed.

"T-turn around" means a dead-end street that terminates at a 'T'. It shall be used only when a street is expected to be extended in the future. It shall be included inside the phase, unit or section improved. The curb-

ing shall end twenty-four (24) feet from the lot line of the last lot to be developed. The T-turn around is to be placed within the twenty-four (24) feet from the right-of-way line to right-of-way line. See Standard Plan Sheet Number 62.

"Valley gutter" means a shallowly-depressed, paved surface, (generally concrete), which ordinarily crosses a cul-de-sac street at its intersection with a local street or minor collector street, which facilitates continuous gutter flow across the cul-de-sac street to the receiving gutter of the local or minor collector street, and without requiring the interception of the gutter flow by a surface inlet that otherwise would be located at the upstream quadrant in the intersection.

(Ord. 90-3, § 1)

12.04.020 Reserved.

Editor's note—Ord. No. 13-14, adopted Nov. 19, 2013, amended the Code by repealing § 12.04.020. The former section pertained to preliminary consideration recommended, and derived from Ord. No. 90-3.

12.04.030 Dedication of street right-of-way by metes and bounds.

The dedication shall be granted to the board of commissioners on a form acceptable to the board and on file with the Porter County highway department. No dedication will be accepted until the road and drainage comply to standards.

The legal description for the right-of-way shall be prepared and certified by a land surveyor registered in the state of Indiana.

The right-of-way width shall conform to the standards of the board as specified in sections 12.04.100 and 12.04.110.

Two sets of plans and specifications for the proposed improvement shall be submitted to the Porter County highway department and approved by the Porter County engineer, and the Porter County surveyor,

who shall take action within forty-five (45) days and notify the petitioner by letter of that action.

The proposed name of the street shall be approved by the executive secretary of the plan commission of Porter County.

Upon execution of the dedication form and subsequent approvals by the involved agencies, the dedication shall be recorded by the Porter County highway department, the cost paid by the petitioner, and copies of the recorded document will be distributed to the grantor and to all county agencies having a probable interest in the dedication. (Ord. 90-3, § 2(B))

12.04.040 Reserved.

Editor's note—Ord. No. 13-14, adopted Nov. 19, 2013, amended the Code by repealing § 12.04.040. The former section pertained to dedication of street right-of-way by plat, and derived from Ord. No. 90-3.

12.04.050 Plan submission including performance bond.

Submission of engineering plans for a platted subdivision or metes and bounds dedication shall be made to the Porter County highway engineering department. All streets intended for the use by the public, shall be constructed in accordance with the above approved engineering plans submitted by the developer and in accordance with the most recently approved construction standards and specifications. (Ord. No. 13-14, 11-19-2013; Ord. 90-3, § 2(D))

12.04.060—12.04.260 Reserved.

Editor's note—Ord. No. 13-14, adopted Nov. 19, 2013, amended the Code by repealing §§ 12.04.060—12.04.260. The former sections pertained to various road and street specifications, and derived from Ord. No. 90-3.

12.04.270 Standard plans and typical cross sections.

Reference should be made to the standard plans and typical cross sections for

any miscellaneous design items not covered in the supplemental design and construction standards/specifications within the Porter County Unified Development ordinance. Other designs not covered or any proposed alternate designs may be submitted to the Porter County highway department for review and approval.

(Ord. No. 13-14, 11-19-2013; Ord. 90-3, § 3(R))

12.04.280—12.04.450 Reserved.

Editor's note—Ord. No. 13-14, adopted Nov. 19, 2013, amended the Code by repealing §§ 12.04.280—12.04.450. The former section pertained to preliminary consideration recommended, and derived from Ord. No. 90-3.

12.04.460 Highway maintenance system—Acceptance procedures.

A. Any metes and bounds dedication of public right-of-way submitted after the effective date of the ordinance codified in this chapter shall include the following:

1. A properly executed dedication of public right-of-way in a form agreeable to the Porter County board of commissioners. This dedication shall contain the following statement:

Maintenance provision notice by the board of commissioners

Until such time as the above described street is constructed according to the engineering and drainage plans as approved by and on file with the Porter County highway engineer's office and other related agencies, said street will not be included in the Porter County maintenance system.

2. A survey for the proposed public right-of-way prepared and certified by a land surveyor registered in the state of Indiana;

3. A set of engineering plans which include a plan, profile, cross section and any required additional details or information. These plans are to be reviewed by the

Porter County plan commission prior to review and approval by the Porter County highway department.

(Ord. No. 13-14, 11-19-2013; Ord. 90-3, § 5)

12.04.470 Reserved.

Editor's note—Ord. No. 13-14, adopted Nov. 19, 2013, amended the Code by repealing § 12.04.470. The former section pertained to maintenance bond, and derived from Ord. No. 90-3.

12.04.480 Permit bond and liability insurance.

A permit bond and liability insurance are required to do any type of construction work within the right-of-way.

A. Contractors.

1. **Permit Bond.** Minimum: two thousand dollars (\$2,000.00) blanket coverage or each job may be bonded separately. This bond is required for a period of one year and may be renewed with a continuation certificate.

2. **Liability Insurance.** Minimum: fifty thousand dollars (\$50,000.00).

B. Private Property Owners.

1. **Permit bond.** Minimum: one thousand dollars (\$1,000.00) (per address). This bond is required for a period of one year.

2. **Liability insurance.** Minimum: It is recommended that a rider to the homeowner's policy naming Porter County as additionally insured, be obtained.

The purpose of the permit bond is to assure that county specifications will be adhered to, including workmanship. This bond and liability insurance must be on file in the Porter County highway engineering department before any right-of-way permits will be issued.

(Ord. 90-3, § 7(A))

12.04.490 Sidewalk permits.

A. Sidewalk permits are not required to replace or install new sidewalks in the

county. However, the contractor must call for inspection before any concrete is poured.

B. The county inspector may be contacted by calling 465-3574 at least twenty-four (24) hours before inspection is needed. (Ord. 90-3, § 7(B))

12.04.500 Drive and utility permits.

A. A driveway or road right-of-way cut permit is required prior to the issuance of a building permit. This includes all properties described by metes and bounds description, whether residential or commercial, and all building lots in recorded platted subdivision, industrial parks, etc. as each individual lot is developed. The issuance of this permit on a public record is conditional upon a cut approval to be conducted by a representative of the Porter County highway engineering department. This permit will be issued by the Porter County highway engineering department for a lump sum fee, which is set depending upon particular circumstances set forth in the permit. The base fee will be one thousand dollars (\$1,000.00) for a residential construction; one thousand five hundred dollars (\$1,500.00) for commercial use; forty dollars (\$40.00) for a farm field entrance; forty dollars (\$40.00) for a secondary residential drive; forty dollars (\$40.00) for the alteration of a driveway cut on a public road; and for utility service there will be a fifty dollar (\$50.00) fee for the first quarter ($1/4$) mile and a twenty five dollar (\$25.00) fee for each quarter ($1/4$) miles thereafter, with an additional fee to cross or intersect a county road in the amount of fifty dollars (\$50.00) for a bore. The Porter County board of commissioners may waive or adjust at its discretion a fee for the specific reason or reasons set forth in elsewhere in this chapter.

B. A driveway permit may be denied at the discretion of the Porter County board of commissioners if a determination is made

that the public road to be accessed is not passable by emergency vehicles. The road permit will be granted if the county road is upgraded to the extent necessary to assure safe passage by emergency vehicles. The cost of the upgrade of the county is a cost that must be incurred by the applicant.

C. Any driveway installed must be constructed in such a manner as to provide for reasonable emergency vehicles access to the property located there.

(Ord. No. 13-14, 11-19-20013; Ord. 90-3, § 7(C))

12.04.510 Permit to cut into the county right-of-way—Road cuts.

A. Who needs a permit. Anyone cutting into or tunneling under any portion of the county right-of-way must obtain a R/W cut permit before any construction is started. Emergency permits must be submitted the next business day.

The permit application must be filed in duplicate.

B. Information needed on a permit:

1. Date;
2. Physical address or location and township;
3. Type of street surface;
4. Length, width and depth of the cut;
5. Name of applicant (same as on bond), address, telephone number and signature;
6. Plot plan showing the exact location of the cut.

C. Where to Obtain a Permit. Road cut permits may be obtained from or mailed to the Porter County highway department, 1955 S. State Road 2, Valparaiso Indiana, 46383. However, construction may not start until the permit is approved by the Porter County engineer.

D. Procedure for Restoration of Cuts.

1. All restoration must be inspected by the Porter County highway department.

2. The county inspector may be contacted by calling 465-3574 at least twenty-four (24) hours before inspection is needed.

E. Special Provisions.

1. Special provision will be attached by the county engineer whenever he deems them necessary to limit construction or define the materials used in restoration.

2. All special provisions which are attached by the county engineer must be adhered to before any restoration will be accepted.

F. Cost.

1. The cost of the permit will be determined by the length, width, depth, and location of the cut plus a forty dollar (\$40.00) inspection fee.

2. No newly constructed pavement less than five years old, or reconstructed pavement less than three years old shall be cut. Any exception must be by executive approval. If executive approval is given, the cost will be based on the following:

a. New pavement, twelve (12) months old or less equals four times the standard cost.

b. Twelve (12) months to twenty-four (24) months equals three times the standard cost.

c. Twenty-four (24) months to thirty-six (36) months equals two times the standard cost.

d. Thirty-six (36) months or older equals standard cost.

3. Standard Cut.

a. Any length of trench excavated in the same type of surface between roads is considered one cut.

b. If the trench excavated passes through a different type surface, it is considered another or additional cut.

c. If a lateral is constructed perpendicular or at any other angle from the main excavation, it is considered another or additional cut.

d. Any cut that is not continuous is considered another or additional cut. For example, cuts through six different bells or joints of a utility would be considered as six cuts.

4. Inspection Fee.

a. A minimum inspection fee of twenty dollars (\$20.00) per hour for anticipated inspection costs on projects or jobs that the county engineer deem necessary due to hazards or unusual conditions, will be used.

b. If additional inspection is required, an estimate of the anticipated hours involved will be computed and the inspection cost will be added to the cost of the permit before it is issued. This will only apply to extreme conditions that would require full time inspection.

5. Penalty. Any person failing to obtain the proper R/W cut permit before starting construction may be fined a sum not to exceed one thousand dollars (\$1,000.00). (Ord. 90-3, § 7(D))

12.04.520 Oversize and overweight permits.

A. Who Needs a Permit. Anyone wishing to transport any vehicle or object which exceeds the legal size or weight limit, must obtain an oversize and/or overweight permit before beginning to make such a move.

Three copies of the permit must be filled out.

B. Information needed on a permit:

1. Date;
2. Type of vehicles;
3. Make of tractor and/or trailer, license number, state and serial number;
4. Length, width and height;
5. Empty weight and gross weight of the vehicles;
6. Number of trips and length of each trip; total length of haul in Porter County;
7. Number of axles and distance between each axle;

8. Number of wheels on each axle;
9. Pneumatic or solid tires; manufacturer's rated width of each tire;
10. Total width of all tires on each axle;
11. Total weight on each axle;
12. Pounds/inches width of each tire;
13. Description and weight of the load;
14. Model number and capacity of any heavy equipment;
15. Origin, destination and route of the move;
16. Speed of the move;
17. Reason for the move;
18. Applicant's name, address and signature;
19. Date and time the move will start and end;
20. Number of hours the vehicle will be on Porter County roads.

C. Where to Obtain Permits. Oversize and overweight permits may be obtained from or mailed to the Porter County highway department, 1955 S. State Road 2, Valparaiso, Indiana 46383. However, no move can be made until the permit has been approved by the county engineer and the Porter County sheriff's department.

D. Cost.

1. There is a ten dollar (\$10.00) fee for each oversize permit.
2. There is a ten dollar (\$10.00) fee for each overweight permit.
3. There is no fee for contractor's permits for oversize construction equipment renewed annually.
4. Penalty: covered by Indiana Code 1971.

Note: There may be a sheriff's escort required in many instances. (Ord. 90-3, § 7(E))

12.04.530 Pole line permits.

A. Who Needs a Permit. Any utility wishing to install a new pole line or where

existing poles are moved to a different location must obtain a pole line permit prior to installation.

The permit must be submitted in duplicate.

B. Information needed on a permit:

1. Date;
2. Location, township and section number;
3. Drawings showing:
 - a. Distance from nearest county road intersection, from centerline of road to the right-of-way line,
 - b. Length of spans, locations from R/W lines, length of poles, overhead guys, anchor guys, guy poles and all guy leads,
 - c. Voltage, phase, type of construction;
 4. Utility company name, address and engineer's signature.

Pole line permits may be obtained from or mailed to the Porter County highway department, 1955 South State Road 2, Valparaiso, Indiana 46383. However, construction may not start until the permit has been approved by the county commissioners.

(Ord. 90-3, § 7(F))

12.04.540 Utility permits.

A. Who Needs a Permit. Any utility wishing to install underground conduit, cable, lines, pipe etc., in the Porter County right-of-way needs a utility permit. No work is to be done until the permit is approved.

The permit must be submitted in duplicate.

B. Information needed on a permit:

1. Date;
2. Location, township and section number;
3. Drawing showing:
 - a. Distance from nearest county road intersection,

b. Location from R/W lines, and from road edges,

c. Depth from crown of road,

d. Description of all installations and appurtenances, type of construction,

e. Utility company name, addresses and engineer's signature.

C. Where to Obtain Permits. Utility permits may be obtained from or mailed to the Porter County highway engineer, 1955 South State Road 2, Valparaiso, Indiana, 46383. However, construction may not start until the permit has been approved by the county engineer.

D. Cost. Issuing and inspection charges of forty dollars (\$40.00) for an installation up to and including one-fourth ($\frac{1}{4}$) mile (one thousand three hundred twenty (1,320) feet) plus fifteen dollars (\$15.00) for each additional one-fourth ($\frac{1}{4}$) mile (one thousand three hundred twenty (1,320) feet) or fraction.

E. Traffic Control. It shall be the duty of all holders of permits to erect proper warning signs, barricades and flares, and to provide flag-men or other appropriate warning devices commensurate with the risks involved throughout the progress of the work and all holders of permits shall indemnify and save the county harmless from any and all claims and cause of action, if any, which may be asserted or filed against the county by any persons, firms, corporations, who have been injured or damaged or claim to have been injured or damaged, on account of any installations made pursuant to this permit or on account of any work done in the making of such installation.

(Ord. 90-3, § 7(G))

12.04.550 Reserved.

Editor's note—Ord. No. 13-14, adopted on Nov. 19, 2013, amended the Code by repealing § 12.04.550. The former section pertained to barricades and channelizing devices, and derived from Ord. 90-3.

Chapter 12.08**DRAINAGE REGULATIONS****Sections:****12.08.010 Drain tile water discharge.****12.08.020 Violation—Penalty.****12.08.010 Drain tile water discharge.**

A. Written approval from Porter County highway department shall be obtained prior to any drain tile water being drained into county right-of-way.

B. A sump pump shall be required if road ditch is higher in elevation than proposed drain tile.

C. The existing road ditch shall be cleaned (excavated if deemed necessary by highway department) and free of debris and brush a sufficient distance to provide adequate grade for water to flow. All work to be in accordance to county standard.

D. In those instances where road ditches are available, the drain tile connection shall be directly into the ditch and rip-rap (generally five by ninety (90) rock) placed on each side of the tile two feet by four feet by eight-inch depth.

E. In subdivisions where curbs exist, the property owner shall discharge various residential drain tile water on top of the ground and let the water flow on ground surface a minimum travel distance of forty (40) feet from the road right-of-way line.

F. Known drainage problem areas shall not be compounded, nor shall any new obvious drainage problems be created.

G. Roof, basement, septic field perimeter drains are prohibited from draining directly onto county road pavement. (Ord. 85-8 §§ 2—8)

12.08.020 Violation—Penalty.

Violators to any of the above shall be subject to a three hundred dollars (\$300.00) fine for each day of violation after legal notice has been served. (Ord. 85-8 (part))

**STATUTORY REFERENCES
FOR
INDIANA COUNTIES**

The statutory references listed below refer the code user to state statutes applicable to Indiana counties. They are up to date through all 2013 legislation.

General Provisions	Officers' bonds and oaths IC 5-4
Home rule IC 36-1-3	Salaries of officers and employees IC 36-2-8
Transfer of jurisdiction from General Assembly to local legislative bodies IC 36-1-3.5	County auditor IC 36-2-9
Powers specifically prohibited IC 36-1-3-8	County treasurer IC 36-2-10
Territorial jurisdiction IC 36-1-3-9	County recorder IC 36-2-11
General corporate powers IC 36-1-4	County surveyor IC 36-2-12
Publication of notices IC 5-3	County sheriff IC 36-2-13
Codification of ordinances IC 36-1-5	County coroner IC 36-2-14
Suffrage and elections Indiana Const. Art. 2 and IC 3	County assessor IC 36-2-15
Administration and Personnel	Attorney IC 36-2-2-30
County executive IC 36-2-2	Deputies and employees IC 36-2-16
County fiscal body IC 36-2-3	County records IC 36-2-17
Division of powers in county government IC 36-2-3.5	Judicial appeal of executive decisions IC 36-2-2-27 et seq.
Legislative procedures IC 36-2-4	Courthouse, jail and other public offices IC 36-2-2-24
Mileage and fees of county officers IC 36-2-7	Plan commissions IC 36-7-4-200 et seq.

Building departments
IC 36-7-8

Police
IC 36-8-2-2

Firefighting
IC 36-8-2-3

Sheriff's department
IC 36-8-10

Personnel system
IC 36-1-4-14

Police reserve officers
IC 36-8-3-20

Emergency management
IC 10-14

Revenue and Finance

Fiscal administration
IC 36-2-2-16 et seq. and 36-2-6

Budgets
IC 36-2-5

Debt limitation
IC 36-1-15

Claims against counties
IC 36-1-4-17 and 36-2-6-1 et seq.

Purchasing
IC 5-22, 36-2-6-17, 36-2-20

Borrowing, bonds and warrants
IC 36-2-6-18

Leasing and lease-purchasing
IC 36-1-10

Purchase of land or structures
IC 36-1-10.5

Sale, exchange, transfer or lease of property
IC 36-1-11

Business Licenses and Regulations

Authority to regulate businesses
IC 36-8-2-10

Limit on license fees
IC 36-1-3-8

Exemption from vending and peddling li-
cense fees
IC. 25-25-1

Alcoholic beverages
IC 7.1

Animals

Animal shelters
IC 36-8-2-6

Health and Safety

General public safety powers
IC 36-8-2

Weeds and rank vegetation
IC 36-7-10.1

Weed cutting on county roadsides
IC 36-2-18

Economic development and pollution con-
trol
IC 36-7-12

Air and sound pollution
IC 36-8-2-8

Fire protection districts
IC 36-8-11

Solid waste disposal
IC 36-9-30

Fire safety laws: enforcement
IC 22-14

Fireworks
IC 22-11-14

Public Peace, Morals and Welfare

State criminal code
IC 35

Limitation on power
IC 36-1-3-8

Discrimination

IC 22-9

Vehicles and Traffic

State traffic code

IC 9

Local traffic regulations

IC 9-21-1-2 et seq.

Abandoned vehicles

IC 9-22

Streets, Sidewalks and Public Places

Transportation and public works

IC 36-9

County drainage board

IC 36-9-27

Park and recreation law

IC 36-10-3

Miscellaneous county park provisions

IC 36-10-6

Public Services

Public construction

IC 36-1-12

Transportation and public works

IC 36-9

Redevelopment of blighted areas

IC 36-7-14

Buildings and Construction

County building standards

IC 36-7-8

Unsafe buildings

IC 36-7-9

Historic preservation

IC 36-7-11

Fire safety, building and equipment laws

IC 22-12 et seq.

Subdivisions

Subdivision regulations

36-7-4-700 et seq.

Filing of surveys

IC 36-2-19

Zoning

Local planning powers generally

IC 36-7-2

Local planning and zoning

IC 36-7-4-100 et seq.

Ordinance Number	Date	Description	Section	Section this Code
12-31	12-18-2012	Sunset Hill Farm Park educational center fund	1, 2 Added	Ch. 3.45, 3.45.010— 3.45.030
12-32	12-18-2012	Take me fishing project fund	1, 2 Added	Ch. 3.47, 3.47.010— 3.47.030
13-01	3- 5-2013	County redevelopment commission	1	2.62.030
			2 Added	2.62.050
13-02	3-19-2013	Rezoning		(Special)
13-03	4- 2-2013	County board of health fee structure	1	8.04.030
13-04	4-16-2013	Funeral protests	Added	Ch. 9.18, 9.18.010
13-05	5-21-2013	Illicit discharge and stormwater connection	A—P Added	Ch. 18.28, 18.28.010— 18.28.160
13-06	6- 4-2013	Charitable donation fund for county central communications	1—4Added	Ch. 3.49, 3.49.010— 3.49.030
13-07	6-18-2013	Capital improvement plan		(Not codified)
13-08	9-17-2013	Planned unit development		(Not codified)
13-09	9-17-2013	Fund for deposit of proceeds from Ancelor Mittal grant to enhance park programming	1 Added	Ch. 3.51, 3.51.010— 3.51.030
13-10	9-17-2013	Fund for deposit of proceeds from Lake Michigan coastal program grant to Porter County park department	1, 2 Added	Ch. 3.53, 3.53.010— 3.53.030
13-11	10- 1-2013	Safe schools commission	1—4Added	Ch. 8.48, 8.48.010— 8.48.040
13-12	10-15-2013	County board fee structure for retail food establishments	1	8.04.020
13-13	11- 5-2013	Tattoo parlor/body piercing facility regulations	1—5Added	Ch. 8.44, 8.44.010— 8.44.050
13-14	11-19-2013	Streets, sidewalks and public places		12.04.050

Ordinance Number	Date	Description	Section	Section this Code
				12.04.270
				12.04.460
				12.04.500
			Rpld	12.04.020, 12.04.040
				12.04.060— 12.04.260
				12.04.280— 12.04.450
				12.04.470, 12.04.550
13-15	11-19-2013	Supplemental design and construction standards/specifications		(Not codified)
13-16	12- 3-2013	County health administration of Antabuse program and establishing user fee	Added	Ch. 3.55, 3.55.010, 3.55.020
13-17	12-17-2013	Dividing the county into four single member county fiscal body districts		2.04.010
14-01	1-29-2014	Dividing the county into four single member county fiscal body districts		2.04.010
14-02	2- 4-2014	Rezoning		(Special)
14-03	2- 4-2014	Rezoning		(Special)

911 EMERGENCY TELEPHONE SYSTEM
See E-911 EMERGENCY TELEPHONE
SYSTEM Ch. 8.16

— A —

ADMINISTRATION CENTER PARKING
GARAGE FUND

Established 3.08.010
Revenues, use 3.08.020
Termination, transfer 3.08.030

ADULT PROBLEM SOLVING COURT
FUND

Fund established 3.33.010
Termination of funds—transfer of funds
3.33.030
Use of revenues 3.33.020

ADVISORY COUNCIL
See SOUTH HAVEN COMMUNITY
ADVISORY COUNCIL Ch. 2.54

ALARM SYSTEMS

Automatic dialing devices 8.18.040
Contacts required 8.18.030
Definitions 8.18.010
False alarms 8.18.050
Monitoring system removal 8.18.020

ALCOHOLIC BEVERAGES

Vehicles
buses, passenger vehicles, exemptions
10.08.030
definitions 10.08.010
possession, consumption in 10.08.020
violation, penalty 10.08.040

ANIMALS

Animal welfare board
duties 6.04.040
established 6.04.030
Bites, procedure 6.04.090
Cruelty prohibited 6.04.110
Definitions 6.04.020
Enforcement of provisions 6.04.120
Kennel inspection 6.04.130
Nuisance when 8.20.010
Shelter
adoption, procedure 6.04.060
charitable donation fund
established 3.15.010

ANIMALS (Cont'd.)

Shelter (Cont'd.)
charitable donation fund (Cont'd.)
termination, transfer 3.15.030
use of revenues 3.15.020
director, duties 6.04.050
fee schedule 6.08.010
fund for deposit of fees generated
established 3.17.010
termination, transfer 3.17.030
use of revenue 3.17.020
impoundment
permitted when 6.04.070
redemption 6.04.080
Title, interpretation of provisions 6.04.010
Vicious 6.04.100

ARCELOR MITTAL GRANT FUND TO
ENHANCE PARK PROGRAMMING

Fund established 3.51.010
Termination of fund 3.51.030
Use of revenues 3.51.020

— B —

BICYCLES

See VEHICLES Ch. 10.16

BOARD OF HEALTH ADMINISTRATION
OF ANTABUSE PROGRAM,
ESTABLISHING USER FEE

Antabuse program administration 3.55.010
User Fee 3.55.020

BRIDGE

Shorewood drive, restrictions 9.08.020

BRINCKA CROSS PARK WALKING
TRAILS FUND

Fund established 3.39.010
Termination of fund 3.39.030
Use of revenues 3.39.020

BUILDING

Code
adoption of rules 15.04.200
appeal 15.04.190
authority 15.04.050
civil action 15.04.170
definitions 15.04.030
effective date 15.04.220
permit application 15.04.090

BUILDING

BUILDING (Cont'd.)

Code (Cont'd.)

permit required 15.04.080
prior ordinance adoption, effect
15.04.070
private residence, lifting devices
15.04.210
purpose of provision 15.04.020
scope of provisions 15.04.040
severability 15.04.060
stop work order 15.04.160
title of provisions 15.04.010

Commissioner 15.08.020

Department 15.08.010

Fees designated 15.20.010

House numbering

See Numbering

Inspections

fire department 15.04.130

general authority 15.04.120

Mailbox numbering

See Numbering

Numbering

requirements 15.12.010

violation, penalty 15.12.020

Permits

See also Code

appeals 15.16.060

certificate of occupancy 15.16.040,
15.04.110

expiration 15.16.030

fees 15.16.050

issuance 15.16.020, 15.04.100

required when 15.16.010

revocation 15.16.060, 15.04.150

violation, penalty 15.16.070

withhold issuance 15.04.140

Violations

designated 15.04.150

penalty 15.04.180

remedies 15.04.140

BUILDING, PLANNING AND ZONING FUND

Established 3.50.010

Termination, transfer 3.50.030

Use 3.50.020

BURLINGTON BEACH PUBLIC ACCESSWAY

Loitering prohibited 9.08.010

— C —

CALUMET TRAIL DONATION FUND

Established 3.80.010

Revenues, use 3.80.020

Termination, transfer of funds 3.80.030

CHARITABLE DONATION FUND

See also JUVENILE DETENTION

CENTER CHARITABLE DONATIONS
FUND Ch. 3.90

Donations, use 3.36.020

Established 3.36.010

Termination, transfer 3.36.030

CHARITABLE DONATION FUND FOR COUNTY CENTRAL COMMUNICATIONS

Fund established 3.49.010

Termination of fund—transfer of fund
3.49.030

Use of revenues 3.49.020

CLAIMS PAYMENTS IN ADVANCE OF BOARD ALLOWANCE

Designation of categories 2.58.010

CODE

Acts by agents deemed by principal
1.04.040

Adoption

code adopted 1.01.010

headings, effect 1.01.040

ordinances

passed prior to adoption 1.01.060

references 1.01.050

past actions, obligations 1.01.070

references, applicability 1.01.030

severability of provisions 1.01.080

title, citation, reference 1.01.020

Construction of provisions 1.04.070

Definitions 1.04.010

Home rule powers of county 1.08.010

Interpretation

grammar 1.04.030

language 1.04.020

Ordinances, repeal not to revive 1.04.080

CODE (Cont'd.)

Prohibited acts include causing, permitting
1.04.050
Time computation 1.04.060
Violation, penalty 1.12.010
See also ORDINANCE VIOLATIONS
BUREAU Ch. 2.48

COMPREHENSIVE DRAINAGE GRANT
FUND

Fund established 3.35.010
Termination of funds—transfer of funds
3.35.030
Use of revenue 3.35.020

CONSTRUCTION

See BUILDING Title 15
STREET, ROAD SPECIFICATIONS
Ch. 12.04

CONTRACTOR'S REGISTRATION

Application, procedure 15.28.040
Complaint record 15.28.050
Conflicting ordinances 15.28.080
Definitions 15.28.020
Notice of violation 15.28.060
Purpose, intent 15.28.010
Registration required 15.28.030
Revocation, denial 15.28.070
Severability 15.28.090

CONTROLLED SUBSTANCES

Sale or use of synthetic cannabinoids
prohibited
enforcement 8.40.020
established 8.40.010
violations and penalties 8.40.030

CORRECTIONS FUND

Established 3.12.010

COUNCIL OF COMMUNITIES
ADVISORY COMMITTEE

Established 2.50.010
Meetings 2.50.040
Membership 2.50.030
Purpose 2.50.020
Responsibilities 2.50.050
Terms of service 2.50.060

COUNTY BUILDING CODE

See BUILDING Ch. 15.04

COUNTY HEALTH DEPARTMENT
FEDERAL GRANT PROCEEDS FUND

Fund established 3.29.010
Termination of fund 3.29.030
Use of revenue 3.29.020

COUNTY IDENTIFICATION SECURITY
PROTECTION FEE AND FUND

Established 3.74.010
Termination, transfer 3.74.030
Use of funds 3.74.020

COUNTY JAIL RAINY DAY FUND

Appropriation 3.23.040
Authorized use of fund 3.23.020
Creation of fund 3.23.010
Funding source 3.23.030

COUNTY JUVENILE DRUG COURT
FEES

Fund Established. 3.19.010
Termination of Fund, Transfer of Funds.
3.19.030
Use of Revenues. 3.19.020

CRIME VICTIMS' FUND

Authorized 3.16.010
Funds
collection, receipt 3.16.020
use 3.16.030

CULTURAL ADVISORY BOARD
See HISTORICAL AND CULTURAL
ADVISORY BOARD Ch. 2.44

— D —

DEBRIS AND REFUSE FUND

Established 2.56.010
Revenues, use 2.56.020
Termination, transfer 2.56.030

DEPOSITS FUND

Established 3.62.010
Revenues 3.62.020
Termination 3.62.030

DISTRICTS

Fiscal body districts
See FISCAL BODY DISTRICTS Ch.
2.04

DISTRICTS

DISTRICTS (Cont'd.)

- Solid waste planning district
 - See SOLID WASTE PLANNING DISTRICT Ch. 8.28
- DRAINAGE BOARD
 - Composition, terms 2.08.020
 - Established 2.08.010
- DRAINAGE BOARD FUND
 - Established 3.32.010
 - Funds, use 3.32.020
 - Termination, transfer 3.32.030
- DRAINAGE REGULATIONS
 - See also STREET, ROAD SPECIFICATIONS Ch. 12.04
 - Drain tile water discharge 12.08.010
 - Violation, penalty 12.08.020
- DRUG EDUCATION FUND
 - See LAW ENFORCEMENT DRUG EDUCATION FUND Ch. 3.20
- DUNES KANKAKEE TRAIL FUND
 - Fund established 3.25.010
 - Termination of funds—transfer of funds 3.25.030
 - Use of revenue 3.25.020

— E —

- E-911 EMERGENCY TELEPHONE SYSTEM
 - Adopted 8.16.010
 - Boards
 - E-911 advisory board, creation of 8.16.070
 - E-911 policy board, creation of 8.16.060
 - Fee
 - monthly 8.16.020
 - use of fee 8.16.030
 - Repeal of other ordinances 8.16.080
 - Statewide 911 fund 8.16.050
- EMERGENCY MANAGEMENT PROGRAM
 - Definitions 2.56.030
 - Established 2.56.010
 - Generally 2.56.030
 - Organization, administration 2.56.040
 - Powers, regulations, procedures 2.56.050

EMERGENCY MANAGEMENT PROGRAM (Cont'd.)

Purpose of provisions 2.56.020

EMERGENCY MEDICAL SERVICES FUND

See NONREVERTING FUND FOR RECEIPT OF PROCEEDS FROM EMERGENCY MEDICAL SERVICES CONTRACT Ch. 3.10

ENVIRONMENT

See HAZARDOUS MATERIALS Ch. 18.12

- WELL Ch. 18.08
- WETLANDS Ch. 18.04
- WILDLIFE MANAGEMENT ADVISORY BOARD Ch. 2.40
- WILDLIFE SANCTUARY DONATION FUND Ch. 3.94

ENVIRONMENTAL ENFORCEMENT ACTION FUND

Created 3.24.010

EXPOSITION CENTER FUND

Established 3.44.010

Funds, use 3.44.020

Termination, transfer 3.44.030

— F —

FAIR HOUSING

Administrative enforcement 15.30.100

Definitions 15.30.020

Discrimination in

- provision of brokerage service 15.30.060
- residential real estate-related transactions 15.30.050
- sale or rental of housing 15.30.040

Exemptions 15.30.090

Interference, coercion, or intimidation 15.30.070

Policy statement 15.30.010

Prevention of intimidation in fair housing cases 15.30.080

Separability of provisions 15.30.110

Unlawful practices 15.30.030

FAMILY COURT CHARITABLE DONATION FUND

Established 3.26.010

FAMILY COURT CHARITABLE

DONATION FUND (Cont'd.)

Termination, transfer 3.26.030

Use 3.26.020

FEDERAL INTERGOVERNMENTAL
COOPERATIVE AGREEMENT FUND

Established 3.18.010

Termination, transfer 3.18.030

Use 3.18.020

FEES

See also Specific Subject

Adult immunization, tuberculosis testing

8.04.041

Birth, death certificate 8.04.030

Deposit of collected fees 8.04.050

Document recording 3.04.030

Environmental property transfer audit
request 3.04.050

Food service

establishment permit 8.04.020

generally 8.04.042

Real property endorsement 3.04.040

Registration, change of address for sex or
violent offenders 3.13.010

FIREARMS

Discharge

near school property 9.04.020

prohibited areas 9.04.010

FIREWORKS

Definitions 9.16.010

Immediate effectiveness 9.16.040

Penalty 9.16.030

Use, ignition, discharge 9.16.020

FISCAL BODY DISTRICTS

Established 2.04.010

FIXED ASSET

Capitalization threshold

assets 3.66.030

inventory 3.66.020

Definitions 3.66.010

Fixed assets, depreciation 3.66.040

FLAMMABLE LIQUIDS

Underground storage

See HAZARDOUS MATERIALS Ch.

18.24

FOOD SERVICE ESTABLISHMENT

See also RETAIL FOOD STORES Ch.

8.08

Definitions 8.10.010

Disease control 8.10.050

Inspection 8.10.060

Permit, license 8.10.020

Plans, approval 8.10.070

Sanitation requirements 8.10.030

Unwholesome food, sale prohibited

8.10.040

Violation, penalty 8.10.080

FUND

See Specific Fund

FUNERAL PROTESTS

Funeral protests prohibited 9.18.010

— G —

GARBAGE

See DEBRIS AND REFUSE FUND Ch.

2.56

LITTER Ch. 9.12

SOLID WASTE DISPOSAL Ch. 8.24

GENERAL PENALTY

See CODE Ch. 1.12

GROSS TAXES FUND

Receipt of gross taxes 3.46.010

Termination, transfer of funds 3.46.030

Use of funds 3.46.020

— H —

HAZARDOUS MATERIALS

Compliance required 18.12.020

Council

created, composition 2.32.010

purpose 2.32.020

Definitions 18.12.010

Emergency action plan 18.12.040

Facility inspection 18.12.050

Lock box requirement 18.12.030

Response team

compensation 2.36.030

cost reimbursement

definitions 18.16.010

equipment, supplies 18.16.050

liability, billing 18.16.020

HAZARDOUS MATERIALS

HAZARDOUS MATERIALS (Cont'd.)

- Response team (Cont'd.)
 - cost reimbursement (Cont'd.)
 - out of county incidents 18.16.060
 - payment, failure 18.16.030
 - payment, objection, hearing 18.16.040
 - established, composition 2.36.010
 - provisions not exclusive 2.36.040
 - purpose 2.36.020
- Spillage reporting system
 - definitions 18.20.010
 - investigation, cleanup 18.20.040
 - requirements adopted 18.20.020
 - submission of report 18.20.030
 - violation, penalty 18.20.050
- Underground storage tanks
 - compliance failure 18.24.040
 - contractor's responsibility 18.24.050
 - definitions 18.24.010
 - excavation site, standards 18.24.030
 - permit required 18.24.010
 - violation, penalty 18.24.060
- Violation, penalty 18.12.060

HEALTH CARE CO-PAYMENT PROGRAM AND FUND

- Established 3.14.020
- Inmate health care co-payment program 3.14.010
- Termination, transfer 3.14.040
- Use 3.14.030

HIGHWAY GARAGE FUND

- Established 3.88.010
- Termination, transfer of funds 3.88.030
- Use of revenue 3.88.020

HISTORICAL AND CULTURAL ADVISORY BOARD

- Board of commissioners authority 2.44.040
- Composition 2.44.020
- Duties 2.44.030
- Established, purpose 2.44.010

HOSPITAL

- Interest fund
 - establishment 3.09.010
 - termination of transfer of funds 3.09.030

HOSPITAL (Cont'd.)

- Interest fund (Cont'd.)
 - use 3.09.020
- Sale proceeds fund
 - establishment 3.07.010
 - termination of transfer of funds 3.07.030
 - use 3.07.020
- Trailing liability fund
 - establishment 3.11.010
 - termination of transfer of funds 3.11.030
 - use 3.11.020

HOUSE NUMBERING

See BUILDING Ch. 15.12

HOUSING OF FEDERAL AND DOC PRISONERS FUND

- Established 3.38.010
- Termination, transfer 3.38.030
- Use of revenue 3.38.020

— I —

INFORMATION ACCESS

See RECORDS MANAGEMENT Ch. 2.52

INMATE PROCESSING FEE AND FUND

- Fee collection 3.34.020
- Fund established 3.34.030
- Inmate processing fee 3.34.010
- Repeal of other ordinances 3.34.060
- Termination of funds—transfer of funds 3.34.050
- Use of funds 3.34.040

INVESTIGATIVE PHOTOGRAPH DUPLICATION FEE, FUND

- Established 3.96.040
- Generally 3.96.010
- Termination, transfer 3.96.060
- Use of revenue 3.96.050
- Violations
 - designated 3.96.020
 - penalties 3.96.030

— J —

JAIL, COUNTY

Inmates

JAIL, COUNTY (Cont'd.)
 Inmates (Cont'd.)
 copayment by
 exceptions 2.16.020
 required when 2.16.010
 reimbursement for incarceration costs
 See PRISONER
 REIMBURSEMENT Ch. 3.86
 Corrections fund 3.12.010
 Public safety technology fund 3.68.010

JUVENILE DETENTION CENTER
 CHARITABLE DONATIONS FUND
 Established 3.90.010
 Termination, transfer of funds 3.90.030
 Use of donations 3.90.020

— L —

LAKE ELIZA PLANNING GRANT FUND
 Fund established 3.37.010
 Termination of funds—transfer of funds
 3.37.030
 Use of revenue 3.37.020

LAKE LOUISE
 Swimming, access restrictions 9.08.020

LAKE MICHIGAN COASTAL PROGRAM
 GRANT FUND
 Fund established 3.53.010
 Termination of fund 3.53.030
 Use of revenues 3.53.020

LANDFILL
 See SOLID WASTE DISPOSAL Ch. 8.24

LAW ENFORCEMENT DRUG
 EDUCATION FUND
 Donations, use 3.20.020
 Established 3.20.010
 Termination, transfer 3.20.030

LITTER
 Debris and refuse fund
 See DEBRIS AND REFUSE FUND
 Ch. 2.56
 Definitions 9.12.010, 9.12.020
 From vehicle 9.12.040
 Prohibited generally 9.12.030
 Violation, penalty 9.12.050

LOITERING
 Burlington Beach public accessway
 9.08.010

LOST AND FOUND
 See POLICE Ch. 2.20

— M —

MAINTENANCE AND MONITORING
 OF DROP OFF RECYCLING SITES
 Definitions. 8.38.020
 Enforcement. 8.38.040
 General. 8.38.010
 Penalties. 8.38.050
 Severability. 8.38.060
 Violations. 8.38.030

MEMORIAL DONATION FUND
 Established 3.48.010
 Funds, use 3.48.020
 Termination, transfer 3.48.030

MEMORIAL OPERA HOUSE DONATION
 FUND
 Appropriation of funds 3.92.030
 Established 3.92.010
 Termination, transfer of funds 3.92.040
 Use of revenue 3.92.020

MEMORIAL OPERA HOUSE
 MANAGEMENT FUND
 Established 3.56.010
 Revenues, use 3.56.020
 Termination, transfer 3.56.030

MUSEUM ADVISORY PANEL
 Establishment 2.60.010
 Meetings 2.60.040
 Membership 2.60.030
 Purpose of the panel 2.60.020
 Responsibilities, duties 2.60.050
 Serve at the pleasure of board of
 commissioners 2.60.060

— N —

NONREVERTING FUND FOR COUNTY
 AUDITOR
 Fund established 3.21.010
 Termination of fund—transfer of funds
 3.21.030

NONREVERTING FUND FOR COUNTY AUDITOR

NONREVERTING FUND FOR COUNTY
AUDITOR (Cont'd.)

Use of revenues 3.21.020

NONREVERTING FUND FOR COUNTY
CORONER

Fund established 3.27.010

Termination of funds—transfer of funds
3.27.030

Use of revenues 3.27.020

NONREVERTING FUND FOR
DETENTION SERVICE FEES

Established 3.58.010

Payable 3.58.020

Revenues 3.58.030

Termination, transfer 3.58.040

NONREVERTING FUND FOR RECEIPT
OF PROCEEDS FROM EMERGENCY
MEDICAL SERVICES CONTRACT

Established 3.10.010

Funds, use 3.10.020

Termination, transfer 3.10.030

NONREVERTING PORTER COUNTY
POLICE TRAINING FUND

Established 3.98.010

Funds, use 3.98.020

Termination, transfer 3.98.030

NUISANCE

Animal noise 8.20.010

— O —

OFF-ROAD VEHICLES

Restrictions 10.12.050

OPERA HOUSE

Funds

See MEMORIAL OPERA HOUSE
DONATION FUND Ch. 3.92

MEMORIAL OPERA HOUSE
MANAGEMENT FUND Ch. 3.56

ORDINANCE VIOLATIONS BUREAU

Administration authority 2.48.060

Created, state provisions adopted 2.48.010

Funds, use 2.48.070

Penalties

assessment 2.48.050

civil, payment 2.48.040

ORDINANCE VIOLATIONS BUREAU
(Cont'd.)

Penalties (Cont'd.)

designated 2.48.080

schedule 2.48.030

Powers, duties 2.48.020

— P —

PARKING

Snowfall, restrictions

clearing of roadway required 10.20.010

towing authority 10.20.020

violation, penalty 10.20.030

Subdivision restrictions

definitions 10.26.020

generally 10.26.010

violations, penalties 10.26.030

PAUL C. ZONE SR. WILDLIFE
SANCTUARY DONATION FUND

See WILDLIFE SANCTUARY

DONATION FUND Ch. 3.94

PERSONAL PROPERTY DEPARTMENT

Internet auction sites 3.70.020

Property

exchange 3.70.050

surplus disposition 3.70.010

value 3.70.030

worthless 3.70.040

PLAN COMMISSION FEES

Designated 15.20.010

POLICE

Crime victims' fund

See CRIME VICTIMS' FUND Ch. 3.16

Department charitable donation fund

See POLICE DEPARTMENT

CHARITABLE DONATION FUND
Ch. 3.52

Jail, county

See also JAIL, COUNTY Ch. 2.16

corrections fund 3.12.010

Law enforcement drug education fund

See LAW ENFORCEMENT DRUG
EDUCATION FUND Ch. 3.20

Property, unclaimed

inventory 2.20.030

sale permitted when 2.20.020

POLICE (Cont'd.)

Property, unclaimed (Cont'd.)
storage time limit 2.20.010

Reserve officers

appointment authority 2.12.010

Training fund

See NONREVERTING PORTER
COUNTY POLICE TRAINING
FUND Ch. 3.98

Video tape duplication

fee 3.76.010

fund

See POLICE VIDEO
DUPLICATION FUND Ch. 3.76

POLICE DEPARTMENT CHARITABLE
DONATION FUND

Donations, use 3.52.020

Established 3.52.010

Termination, transfer 3.52.030

POLICE TRAINING FUND

See NONREVERTING PORTER
COUNTY POLICE TRAINING FUND
Ch. 3.98

POLICE VIDEO DUPLICATION FUND

Established 3.76.040

Termination, transfer of funds 3.76.060

Use 3.76.050

Violations

designated 3.76.020

penalties 3.76.030

PORTER COUNTY BAIL OUT LOAN
FUND

Established 3.42.010

Termination and transfer 3.42.030

Use of revenue 3.42.020

PORTER COUNTY RAINY DAY FUND

Appropriation 3.31.040

Authorized use of fund 3.31.020

Creation of 3.31.010

Funding source 3.31.030

PORTER COUNTY REDEVELOPMENT
COMMISSION

Established 2.62.010

Meetings 2.62.040

Membership 2.62.030

Purpose and duties 2.62.020

PORTER COUNTY REDEVELOPMENT
COMMISSION (Cont'd.)

Repeal of other ordinances 2.62.050

PORTER COUNTY SHERIFF'S
DEPARTMENT CIVIL DIVISION FEES,
FUND

Establishment 3.78.010, 3.78.020

Termination 3.78.040

Use of revenue 3.78.030

PRISONER REIMBURSEMENT

Collection procedures 3.86.040

Court order 3.86.020

Effective date 3.86.010

Fund

established 3.86.050

termination, transfer of funds 3.86.070

use of revenue 3.86.060

Per diem payable 3.86.030

PROPERTY DISPOSAL FUND

Established 3.30.010

Termination, transfer 3.30.030

Use 3.30.020

PROPERTY TAXES AND SPECIAL
ASSESSMENTS

Contract provisions 3.06.070

County treasurer and auditor, authority of
3.06.050

Effective date 3.06.030

Electronic transmission of statements
authorized 3.06.010

Notice of option to be provided 3.06.040

Requesting statements via electronic mail
3.06.020

Service provider contract 3.06.060

PROSECUTOR CHECK DEFERRAL
FUND

Establishment 3.03.010

Termination, transfer 3.03.030

Use of revenue 3.03.020

PUBLIC SAFETY TECHNOLOGY FUND

Established, uses 3.68.010

PURCHASING

Agency

agents designated 3.82.030

commissioners duties 3.82.020

PURCHASING

PURCHASING (Cont'd.)

Agency (Cont'd.)

definitions 3.82.010

Rules, regulations

contract approval 3.84.040

definitions 3.84.010

establishment 3.84.020

generally 3.84.030

— R —

REAL PROPERTY ENDORSEMENT

TRANSACTION FEE

Fees, plat map fund 3.05.010

Termination 3.05.030

Use of revenue 3.05.020

RECORDS MANAGEMENT

Document recording fee 3.04.030

Genealogical research request fee 8.04.030

Public records, prohibited uses 2.52.010

REFUSE AND RECYCLING

Collection, disposal of residential

requirements 8.34.030

Definitions 8.34.020

Enforcement 8.34.040

General requirements 8.34.010

Penalties 8.34.050

See also MAINTENANCE AND

MONITORING OF DROP OFF

RECYCLING SITES Ch. 8.38

Severability 8.34.060

RETAIL FOOD STORES

Definitions 8.08.010

Disease control 8.08.050

Inspection 8.08.060

Permit, license 8.08.020

Plans, approval 8.08.070

Sanitation requirements 8.08.030

Unwholesome food, sale prohibited
8.08.040

Violation, penalty 8.08.080

ROADS

See also STREET, ROAD

SPECIFICATIONS Ch. 12.04

Snowmobile use on

See SNOWMOBILES Ch. 12.04

ROLLERSKATES, ROLLERBLADES

See VEHICLES Ch. 10.16

— S —

SAFE SCHOOLS COMMISSION

Administration 8.48.040

Commission members 8.48.020

Organization of commission 8.48.030

Porter County safe schools commission
8.48.010

SCHOOL CROSSING GUARDS

See TRAFFIC Ch. 10.04

SECURITY SYSTEMS

See ALARM SYSTEMS Ch. 8.18

SEWER

On-site sewage system installers

definitions 8.33.010

enforcement 8.33.050

fees 8.33.060

installer

certification 8.33.040

examination 8.33.030

registration 8.33.020

Private sewage disposal, permit fee
8.04.010

Residential sewage disposal

regulatory authority 8.32.020

state provisions adopted 8.32.010

violation, penalty 8.32.030

SEX AND VIOLENT OFFENDERS

Registration, change of address

collection, use 3.13.030

fee established 3.13.010

fund created 3.13.020

termination of transfer of funds
3.13.040

SHERIFF'S DEPARTMENT

Storage of unclaimed property

See POLICE Ch. 2.20

SHOREWOOD DRIVE BRIDGE

Prohibited acts 9.08.020

SKATEBOARDS

See VEHICLES Ch. 10.16

SNOWFALL

Parking restrictions
See PARKING Ch. 10.20

SNOWMOBILES

Eligible roads 10.12.020
Highways, permitted on 10.12.010
Off-road vehicles 10.12.050
Operating requirements 10.12.040
Time, place of operation 10.12.030
Violation, penalty 10.12.060

SOLID WASTE DISPOSAL

Administration of provisions 8.24.010
Construction/Demotion
See SANITARY FILLS
Dumping
definitions 8.12.020
enforcement of provisions 8.12.040
prohibited 8.12.010
violation, penalty 8.12.030
Landfill, disposal facility
board of health, appeals council
8.24.040
landfill, disposal facility
cubic yard fee assessment 8.24.050
permit required 8.24.030
violation, penalty 8.24.060
State provisions, compliance required
8.24.020

SOLID WASTE PLANNING DISTRICT

Board of directors 8.28.020
Created 8.28.010

SOUTH COUNTY HIGHWAY GARAGE FUND

See HIGHWAY GARAGE FUND Ch. 3.88

SOUTH HAVEN COMMUNITY ADVISORY COUNCIL

Board of Commissioners, service to
2.54.060
Established 2.54.010
Meetings 2.54.040
Membership 2.54.030
Purpose 2.54.020
Responsibilities 2.54.050

STORMWATER

Illicit discharge and stormwater connection
applicability 18.28.030
definitions 18.28.020
discharge and connection prohibitions
18.28.070
effective date 18.28.160
enforcement I 18.28.130
appeal of enforcement I actions
18.28.140
enforcement II 18.28.150
industrial or construction activity
discharges 18.28.080
monitoring of discharges 18.28.090
notification of spills 18.28.120
prevention, control and reduction of
pollutants 18.28.100
purpose and intent 18.28.010
responsibility for administration
18.28.040
severability 18.28.050
ultimate responsibility 18.28.060
watercourse protection 18.28.110

STREET, ROAD SPECIFICATIONS

Dedication of street right-of-way by metes,
bounds 12.04.030
Definitions 12.04.010
Drive, utility permits 12.04.500
Highway maintenance system
acceptance procedures 12.04.460
Oversize, overweight permits 12.04.520
Permit bond, liability insurance 12.04.480
Permit to cut into the county right-of-way
road cuts 12.04.510
Plan submission including performance
bond 12.04.050
Pole line permits 12.04.530
Sidewalk permits 12.04.490
Standard plans, typical cross sections
12.04.270
Utility permits 12.04.540

SUBDIVISIONS

Wetlands
See WETLANDS Ch. 18.04

SUNSET HILL FARM PARK CHILDREN'S GARDEN FUND

Fund established 3.41.010

SUNSET HILL FARM PARK CHILDREN'S GARDEN FUND

SUNSET HILL FARM PARK
CHILDREN'S GARDEN FUND (Cont'd.)
Termination of fund 3.41.030
Use of revenues 3.41.020

SUNSET HILL FARM PARK
EDUCATIONAL CENTER FUND
Fund established 3.45.010
Termination of fund 3.45.030
Use of revenues 3.45.020

SUNSET HILL FARM PARK VEGETABLE
GARDEN FUND
Fund established 3.43.010
Termination of fund 3.43.030
Use of revenues 3.43.020

SUPPLEMENTAL PUBLIC DEFENDER
COST REIMBURSEMENT FUND
Established 3.22.010
Termination, transfer 3.22.030
Use 3.22.020

SWIMMING POOL RULES
Definitions. 8.37.010
Inspection of Pools and Spas. 8.37.040
Minimum Operating Requirements for
Pools and Spas. 8.37.020
Penalties. 8.37.050
Permit and Fee Requirements. 8.37.030

— T —

TAKE ME FISHING PROJECT FUND
Fund established 3.47.010
Termination of fund 3.47.030
Use of revenues 3.47.020

TATTOO PARLOR/BODY PIERCING
FACILITY REGULATIONS
Definitions 8.44.010
Inspection of, authority to inspect and copy
records 8.44.040
Minimum operating requirements 8.44.020
Penalties 8.44.050
Permit and fee requirements 8.44.030

TAX
See also GROSS TAXES FUND
Collection investment 3.04.010
Homestead property tax refund amount
3.04.060

TAX (Cont'd.)
Payment processing, expenses 3.04.020

TRAFFIC
Courthouse, restrictions 10.04.010
Crossing guards 10.04.020
No-passing zone
prohibited acts 10.04.070
violation, penalty 10.04.080
Regulation, control authority 10.04.030
Vehicle weight, permit fees 10.04.050
Violations
designated 10.04.040
penalties 10.04.060

TRUCKS
Weight restrictions
See VEHICLES Ch. 10.24

— U —

UNSAFE BUILDING LAW
Administration 8.36.030
Adoption by reference 8.36.020
Definitions 8.36.050
Effective date 8.36.170
Emergency orders 8.36.080
Enforcement 8.36.140
Hearing and review 8.36.070
Inspection warrants 8.36.130
Liability of costs for performance of work
8.36.100
Manner of performance 8.36.090
Order and notice 8.36.060
Public nuisance 8.36.040
Separability 8.36.160
Standard of work 8.36.120
Title and scope 8.36.010
Unsafe building fund 8.36.110
Violations 8.36.150

— V —

VEHICLE INSPECTION FUND
Established 3.28.010
Inspection fee 3.28.020

VEHICLES
Alcoholic beverages in
See ALCOHOLIC BEVERAGES Ch.
10.08

VEHICLES (Cont'd.)

- Bicycles, restrictions 10.16.010
- Parking
 - See PARKING Chs. 10.20, 10.26
- Rollerskates, rollerblades 10.16.010
- Skateboards 10.16.010
- Snowmobiles
 - See SNOWMOBILES Ch. 10.12
- Violation, penalty 10.24.060
- Weight restrictions
 - See also STREET, ROAD SPECIFICATIONS Ch. 12.04
 - TRAFFIC Ch. 10.04
 - enforcement of provisions 10.24.050
 - gross weight restrictions 10.24.010
 - overweight vehicle fund 10.24.040
 - permit
 - exemptions 10.24.030
 - required when 10.24.020

— W —

WATER PUMP

- See WELL Ch. 18.08

WELL

- Abandonment 18.08.060
- Definitions 18.08.010
- Disinfection, samples, reports 18.08.050
- Drainage use 18.08.040
- Enforcement
 - interpretation 18.08.080
 - procedures 18.08.070
- Permit
 - fee 8.04.040
 - requirements 18.08.020
- Pump installation 18.08.030
- Temporary 18.08.060
- Violation, penalty 18.08.090

WETLANDS

- Administration 18.04.080
- Definitions 18.04.040
- Enforcement, penalties 18.04.100
- Findings 18.04.020
- Identification, maps 18.04.050
- Metes and bounds property 18.04.070
- Policy declaration 18.04.010
- Statutory authority 18.04.030
- Subdivision of land 18.04.060

WETLANDS (Cont'd.)

- Violation, penalty 18.04.090

WILDLIFE MANAGEMENT ADVISORY BOARD

- Board of commissioners authority 2.40.040
- Composition 2.40.020
- Duties 2.40.030
- Established, purpose 2.40.010

WILDLIFE MANAGEMENT FUND

- Donations, use 3.40.020
- Established 3.40.010
- Termination, transfer 3.40.030

WILDLIFE SANCTUARY DONATION FUND

- Appropriation of funds 3.94.030
- Established 3.94.010
- Termination, transfer 3.94.040
- Use of revenue 3.94.020

