

DECEMBER 7, 2020

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, December 7, 2020, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Mr. Terry A. Martin and Mr. Dennis H. Kratz; and LaGrange County Auditor, Kathryn Hopper. Mr. Larry Miller was absent. Mr. Terry Martin, Vice President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Dennis Kratz made a motion to adopt the proposed agenda with flexibility. Mr. Terry Martin seconded the motion and it carried unanimously.

JOINT ORDINANCE AMENDING AND REPEALING VARIOUS OTHER COUNTY ORDINANCES

Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
JOINT ORDINANCE NO. _____

A JOINT ORDINANCE AMENDING AND REPEALING VARIOUS OTHER COUNTY ORDINANCES.

WHEREAS, the Board of Commissioners of County of LaGrange ("Commissioners") and the LaGrange County Council ("Council"), on behalf of LaGrange County, Indiana ("County") are preparing a code of ordinances;

WHEREAS, in preparation for a code of ordinances, the Commissioners and Council desire to amend and/or repeal various ordinances and resolutions that may no longer be desired, that may contain outdated references, that may conflict with current statutes, or for similar reasons;

WHEREAS, the Commissioners and Council desire to formally repeal some ordinances and resolutions that may have already been repealed, where the former repeal is only implied due to ambiguous language, restatement, and/or thorough coverage of the same subject matter by a later instrument;

WHEREAS, pursuant to Indiana Code Section 36-1-4-11, the County may adopt ordinances and resolutions; *and*

WHEREAS, pursuant to *Corn v. City of Oakland City*, 415 N.E.2d 129, 131 (Ind. Ct. App. 1981), "it is well settled in Indiana Law that the power to enact ordinances has as a necessary incident thereto the power to repeal unless that power is restricted in the law conferring it."

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, AND BY THE LAGRANGE COUNTY COUNCIL, JOINTLY, THAT:

SECTION I – NAME

This ordinance shall be known as the "LaGrange County 2020 Housekeeping Ordinance" or the "Housekeeping Ordinance" where the context is clear.

SECTION II – INTERPRETATION

- A. Whenever the following abbreviations are used in this ordinance, they shall have such meanings herein ascribed to them:
1. "Jt." means "Joint."
 2. "Ord." means "Ordinance."
 3. "Res." means "Resolution."
 4. "Sp." means "Special."
- B. An ordinance or resolution listed in *italics* is one that has been adopted by the County Council. An ordinance or resolution listed in underline has been adopted by both the Commissioners and the County Council. These indications are provided for reference only.

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SECTION III – FORMAL REPEALS

The Commissioners and Council, respectively, hereby formally repeal the following County ordinances and resolutions in their entirety, concerning which there is good evidence to believe a repeal was already intended by a later ordinance or resolution.

Recorded Name	Subject Matter
Ord. 1-1967	Sewage
Ord. 2 1967	Abandoned Vehicles
Ord. 1968-3	Building Permits
Res. 1974-1-14	Off-Road Vehicles
Ord. 9-14A, 1976	Food Permits
Ord. 1983-7-2	Unsafe Buildings
<i>Ord. 86-4-14</i>	Corrections Fund
Ord. 86-5-21	Corrections Fund
<i>Sp. Ord. 3-1-87</i>	Corrections Fund
First Amendment of Ord. No. 1987-9-22	Building Code (dated 1987-12-07)
Sp. Ord. 1989-1-9	Corrections Fund
Ord. 1989-1-16	Unsafe Buildings
Res. dated 3-6-1989	Drug-Free Workplace
Ord. 1989-5-2	Unsafe Buildings
Ord. 1989-5-15	Septic Fee
Sp. Ord. 1990-1-1	Corrections Fund (dated 1990-01-08)
<i>Ord. 1990-4-1</i>	Records Fees
Ord. 1991-6-4	Cumulative Bridge Fund
Ord. 1992-5-18A	Handbook
Ord. 1993-01-05	Landfill Rates
Ord. 1993-2-16	Fair Housing
<i>Res. 1993-6-14-A</i>	Abandoned Vehicles
Ord. 1994-02-22	Cumulative Capital Development Fund
Sp. Ord. 1995-02-13	Corrections Fund
<i>Ord. 1995-9-6B</i>	Employee Wages
Ord. 1995-12-5c	Supplemental Public Defender Services Fund
Ord. 1997-11-3b	Nepotism
Res. 1998-5-4b	Building Fees
Ord. 1999-7-6	Building Fees
Ord. 1999-9-28	Emergency Management Department
<i>Ord. 2000-3-6</i>	Economic Revitalization
Ord. 2001-11-5a	Drug-Free Workplace
Ord. 2003-4-7a	Cumulative Capital Development Fund
<i>Ord. 2003-6-9</i>	Wheel Tax
Ord. 2003-9-15(a)	Redistricting
Ord. 2003-9-15(b)	Redistricting
Ord. 2004-10-4A	Riverboat Gambling
Ord. 2005-6-20C	Building Fees
Ord. 2005-12-28	Animal Shelter

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Ord. 2006-11-20
Ord. 2007-8-20A
Jt. Ord. 2008-11-10a
Res. 2008-11-10b
Ord. 2010-11-15
Res. 2011-2-7
Ord. 2011-9-19A
Jt. Ord. 2012-01-09
Ord. 2012-11-5B
Ord. 2013-08-19
Res. 2016-11-14
Res. 2016-12-05A
Ord. 2016-12-12

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Building Fees
Foreclosure Fees
Major Moves Fund
Economic Development Promotion Fund
Riverboat Gambling
Multi-Hazard MP
Zoning Comprehensive Fee Fund
Rainy Day Fund
Zoning Comprehensive Fee Fund
Zoning Comprehensive Fee Fund
Abatement Tweak
Sale of Real Estate
Sale of Real Estate

SECTION IV – SUBSTANTIVE FULL REPEALS

The Commissioners and Council hereby respectively repeal the following County ordinances and resolutions in their entirety.

Recorded Name	Subject Matter
Ord. 2-1971	Outdoor Assemblies
Res. 1973	Howe Street Numbers
Ord. 9-15-1975	Civil Defense Department
Res. 1975-11-15	Off-Road Vehicles
Ord. 1983-4-1	Property Bond Form
<i>Ord. 8-12-1985</i>	Solid Waste Capital Fund
<i>Ord. 3-2-87</i>	CAGIT Tax
Ord. 1988-2-2	Landfill Procedures
<u>Ord. 1990-1-16</u>	Emergency Telephone System
Ord. 1990-4-17A	Snow Emergencies
<u>Ord. 1991-4-23</u>	Sheriff Equipment Fund
Ord. 1991-8-20	Emergency Telephone System
Ord. 1991-12-16	Emergency Telephone System
<u>Ord. 1991-03-04; Ord. 1992-1-20</u>	Criminal Law Enforcement Fund
Ord. 1991-12-21 A	Emergency Telephone System
Ord. 1995-1-16	Municipal Water
<i>Ord. 1995-03-13</i>	EDIT Tax
<u>Ord. 1995-6-20A; Ord. 6-20-95-1</u>	Prosecution Management Support System Fund
<u>Ord. 1995-6-20B; Ord. 6-20-95-2</u>	Victim's Assistance Fund
Res. 1995-12-4	Personnel Specialist Job Description
Ord. 1995-12-5a	E911 Education Fund
Ord. 1995-12-18a	Landfill Tipping Rates
Sp. Ord. 1996-02-12C	County Corrections Fund
1996-5-6b	County Liability Fund
<i>Ord. 1996-6-10</i>	CAGIT Tax
Ord. 1997-10-6a	Landfill Tipping Rates
Res. 1998-8-3b; <i>Res. 1998-8-10</i>	Nuisance Fund

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Ord. 2002-5-13; Ord. 2002-5-20	Economic Development Donation Fund
Ord. 2002-7-15	Comprehensive Plan Donation Fund
Ord. 2003-12-8d	2006 Property Tax Deductions
Ord. 2004-3-22	EDIT Tax
Ord. 2007-9-17c	Zoning Officer Enforcement Fund
Ord. 2008-1-7A	Off-Road Vehicles
Ord. 2008-1-18-A	Off-Road Vehicles
Ord. 2010-09-07 b	Help America Vote Act Fund
Ord. 2011-07-05A; Ord. 2012-12-28B	Public Defender Fund
Ord. 2016-05-16 A	LOIT 2016 Distribution Fund

SECTION V – SUBSTANTIVE AMENDMENTS

- A. The Commissioners and Council hereby respectively amend the following County ordinances and resolutions as follows:

<u>Recorded Name</u>	<u>Old Text</u>	<u>New Text</u>
<i>Res. 1999-9-14f</i>	“Longevity will begin January 1 following completion of the fourth year of service and continuing for twenty-six (26) consecutive pay periods during 2000.”	“Longevity does not accrue until January 1 following completion of the fourth year of service and shall be included with a qualified elected official’s or employee’s regular pay.”
Ord. 2011-12-19A	“One member of the LaGrange County Council shall be elected by the voters of each of the four (4) Districts listed herein.”	“The voters of the four (4) Districts listed herein shall each elect one member of the LaGrange County Council.”
Ord. 2011-12-19B	“One member of the LaGrange County Commissioners shall be elected by the voters of the whole county.”	“Each member of the LaGrange County Commissioners shall be elected by the voters of the whole county.”

- B. This section expires to the extent that the ordinances and resolutions so amended should expire or be repealed.

SECTION VI – MISCELLANEOUS

- A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, or renumbered from time to time.
2. Reference in this ordinance to a public servant, department, commission, committee, board, street, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition is satisfied by the performance of the act by an authorized agent or deputy.

- B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

- D. Continuance.

1. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed to be a new enactment of the old ordinances, but rather shall be deemed to be the continuation of the original provisions.

E. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.

F. Effective Date. This joint ordinance shall be effective immediately upon adoption by both boards.

Mr. Dennis Kratz made a motion to approve the Ordinance. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to waive the requirement for second reading. Mr. Terry Martin seconded the motion and it carried unanimously.

AN ORDINANCE AMENDING AND RESTATING THE LAGRANGE COUNTY TRAFFIC ORDINANCE

Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-12-07-A

AN ORDINANCE AMENDING AND RESTATING THE LAGRANGE COUNTY TRAFFIC
ORDINANCE.

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County"), desire to create a more orderly and safe flow of traffic upon County highways;

WHEREAS, pursuant to IC § 9-21-5-3, a local authority may alter a speed limit within its jurisdiction;

WHEREAS, pursuant to IC § 9-21-4-11, a local authority may designate a through highway and erect stop or yield signs at specified entrances to the highway;

WHEREAS, pursuant to IC § 9-21-1-3(6), a local authority may designate a highway as a through highway within its jurisdiction;

WHEREAS, pursuant to IC § 9-21-1-3(7), a local authority may designate an intersection as a stop intersection and require all vehicles to stop at the intersection;

WHEREAS, pursuant to IC § 9-20-1-3, a local authority may prohibit the operation of trucks or other commercial vehicles, and impose limitations as to the size, weight, or use on designated highways in its jurisdiction and post signs accordingly;

WHEREAS, pursuant to IC § 9-20-7-2, a local authority in charge of a bridge may reduce the gross load weight allowed below the maximum load prescribed by state statute;

WHEREAS, pursuant to IC § 9-21-4-13, a local authority may designate a no-passing zone within its jurisdiction;

WHEREAS, pursuant to IC § 9-21-1-3(a)(1), a local authority may regulate the parking of vehicles with respect to highways under its jurisdiction;

WHEREAS, pursuant to IC § 9-21-1-2, a local authority may adopt by ordinance additional traffic regulations with respect to highways under its jurisdiction;

WHEREAS, violation of a properly signed traffic regulation is most commonly a Class C infraction;

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WHEREAS, the Commissioners desire to revise the current Traffic Ordinance (Ord. 2020-11-16) to correct various scrivener errors, to make various minor organizational and substantive changes, and to incorporate new information from the Highway Department with respect to effective speed limit zone areas;

WHEREAS, the Commissioners desire to confirm the adoption of pre-1951 legislation calling for the erection of various long-standing stop signs and speed limit signs;

WHEREAS, the Commissioners desire to repeal several traffic ordinances (as listed herein) adopted since 1951 but do not intend any repeal of any traffic ordinance adopted before 1951; *and*

WHEREAS, the Commissioners desire that this updated traffic ordinance, whenever it gives effect to a provision that is substantively similar to a provision in a prior ordinance formally repealed by this ordinance, be considered a restatement or reenactment of the several original ordinances or amendments thereof and that those prior ordinance provisions shall be deemed reordained by the adoption of this ordinance without the need for further formality.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA THAT:

SECTION I – NAME

This ordinance shall be known as the “LaGrange County Traffic Ordinance” or the “Traffic Ordinance” when the context is obvious.

SECTION II – DEFINITIONS; INTERPRETATION

- A. Whenever the following terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.
- “Applicable law” means this ordinance, all federal and state statutes, rules, and regulations, especially of the Indiana Department of Transportation and the Indiana Manual of Uniform Traffic Control Devices (“IMUTCD”), all binding court precedent applicable to the County, all other local ordinances, and the rules and regulations of the Highway Department that are not otherwise inconsistent with this ordinance.
 - “Bridge” includes the terms “small structure,” “causeway,” and “viaduct” and refers, as appropriate, to all such structures in the County.
 - “Bridge Inventory” refers collectively to the most recent versions of the NBIS load posting summary, the Phase I County Bridge Inspection Report, the LaGrange County Bridge Inventory Asset System (BIAS) Report, and the LaGrange County Small Structure Inventory Report.
 - “Committee” refers to the Engineering, Traffic, and Investigation Committee established by this ordinance.
 - “GVW” stands for “gross vehicle weight,” and such measurement represents the combined total combined weight of the vehicle and any attached trailers including, but not limited to, the weight of the cargo, chassis, body, engine, fluids, and fuel.
 - “Highway” means the entire width between the boundary lines of every way, street, road, alley, right-of-way, or path maintained by the County when any part of the way is open to the use of the public for purposes of vehicular travel.
 - “Highway Department” refers to the LaGrange County Highway Department and includes the LaGrange County Engineering Department to the extent it is considered a separate entity.
 - “Highway Engineer” refers to the main individual or entity hired by the County to perform engineering services for County highways and includes any assistant to the extent such person has been delegated authority pursuant to this ordinance.

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- “Highway Supervisor” includes any assistant to the extent such person has been delegated authority pursuant to this ordinance; if the position is vacant, the term includes the Highway Engineer, except for Committee purposes.
 - “Person” means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity.
 - “Sign,” in addition to its ordinary meaning, includes, but is not limited to, any paint, device, or mark, etc., that is posted on or along a County highway and is meant to convey information or instructions to persons.
 - “Through truck” means a motor vehicle with three or more axles and a height of at least 7 feet, 6 inches that is not making a scheduled delivery or scheduled pick-up from the location indicated in the area indicated for restriction.
- B. The following highway designations shall be understood to refer as follows: “CR” stands for “County Road”; “SR” for “State Road”; *and* “US” for “United States Highway.”
- C. Other common directional and highway abbreviations shall be given their standard application.
- D. Reference in this ordinance to any location of a state, county, town, or township in a denominated length of highway means to or from the nearest edge of the territorial limits of that respective state, county, or town, as may change from time to time.

SECTION III – SCOPE

This ordinance does not apply to a vehicle to the extent it is used by a law enforcement officer, emergency responder, or utility provider in the line of duty.

SECTION IV – COMMITTEE COMPOSITION

- A. There is hereby established an Engineering and Traffic Investigation Committee.
- B. The Committee shall be composed of, in order of rank from top to bottom:
1. the Highway Engineer;
 2. the Highway Supervisor; *and*
 3. the Sheriff;

provided, however, that if the Highway Engineer should not be an employee of the County, the Highway Engineer is instead the lowest-ranking member.

- C. A Committee member may designate an appointee to serve in the member’s stead.
- D. The top-ranking member of the Committee shall serve as its default Chairperson; provided, however, that the Committee may instead elect a different member to serve as Chairperson.

SECTION V – COMMITTEE DUTIES

- A. The Committee shall meet at the call of the Chairperson.
- B. The Committee shall investigate and make studies and recommendations when required to do so by state law or by the Commissioners.
- C. The Committee may make use of all professional engineering or traffic control studies or inspections, including reports of hired consultants.
- D. The Committee shall report to the Commissioners the results of investigations and make recommendations.

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SECTION VI – TRAFFIC SCHEDULES

- A. Traffic schedules for speed limits, weight limits, stop signs, and parking and various other traffic restrictions are attached to this ordinance and are hereby incorporated into this ordinance as if fully set forth herein.
- B. The adoption histories in the schedules appended to this ordinance are provided for reference only; provided, however, that a party to an enforcement action may refer to a repealed ordinance thereby referenced as evidence to resolve any ambiguity or to make a showing of a clear scrivener's error in the repeal-and-restate process.
- C. The Auditor and/or a codifier may update or rearrange any schedule for public reference purposes based on the adoption of future ordinances.

SECTION VII – SIGNS

- A. The Highway Department shall post appropriate signs at appropriate locations within a reasonable time to enable enforcement of the provisions and schedules of this ordinance.
- B. All signs posted pursuant to this ordinance shall be in accord with applicable law, including this ordinance; provided, however, that this subsection shall not be construed to provide a defense to any violator for a sign that is not posted in accord with the IMUTCD.

SECTION VIII – SPEED LIMITS

- A. In Schedule A, the first chart displays the maximum speed limit designated for each highway zone listed.
 - 1. Speed limits indicated in this subsection apply in both directions unless context clearly indicates otherwise.
 - 2. A sign indicating the maximum speed limit for a highway zone shall be posted along the affected part of the highway.
- B. In Schedule A, the second chart indicates the intersections where speed limit signs are to be located.
 - 1. The Highway Department shall ensure that signs with the indicated speed limit are posted as indicated in this subsection.
 - 2. A speed limit zone exists immediately beyond the sign with the maximum speed limit corresponding to the number displayed on the front of the sign.
 - 3. The speed limit zones set by this subsection apply until the end of the highway, the jurisdictional limits of this ordinance, or the next speed limit zone listed in Schedule A for the same highway.
 - 4. If a speed limit zone established by this subsection should be in conflict with a speed limit zone established by Subsection A, the speed limit zone established by Subsection A shall control.
 - 5. The speed limits indicated in this subsection are not intended to be considered new regulation but rather the continuation of valid laws adopted before 1951 that directed the posting of signs.
- C. The speed limits listed in Schedule A shall control over the default speed limits, as otherwise set forth under applicable law.
- D. All speed limits are presented in miles per hour.

SECTION IX – WEIGHT LIMITS

- A. The maximum GVW for each bridge shall be the maximum load that the bridge can sustain without endangering the safety of persons or property, including damage to the bridge.
- B. The maximum GVW for each bridge shall be as specified in the Bridge Inventory, which is hereby incorporated by reference as if fully set out herein, and a summary of which is provided in Schedule B.
- C. Whenever the Highway Engineer should update the Bridge Inventory, the Highway Engineer shall provide the Auditor with an updated copy.

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- D. If the maximum GVW for a bridge listed in the Bridge Inventory is lesser than that provided by default applicable law, then the weights listed in the Bridge Inventory shall control.
- E. A sign indicating the maximum GVW for a bridge shall be posted such that it is legible from a distance of fifty (50) feet from its respective bridge.
- F. The maximum GVW for other highways shall be in accord with Schedule B.
- G. A sign shall be posted for each highway designated in Schedule B that indicates the maximum GVW allowed for that respective highway.

SECTION X – STOP AND YIELD SIGNS

- A. The Highway Department shall post a “Stop” sign along each approach of any highway designated in Schedule C at the corresponding intersections listed.
- B. The Highway Department shall post a “Yield” sign along each approach of any highway designated in Schedule D at the corresponding intersections listed.

SECTION XI – OTHER TRAFFIC RESTRICTIONS

- A. The Highway Department shall post “Curve” signs along the highways listed in Schedule E at the locations indicated and may post other “Curve” signs as it deems advisable from time to time.
- B. The Highway Engineer shall review the highways designated in Schedule F as “No-Passing Zones Established by Engineer” and shall establish no-passing zones as appropriate.
- C. The Highway Department shall ensure that signs restricting the passing of vehicles are posted at the locations designated by the Highway Engineer pursuant to Subsection B and also at the locations indicated in Schedule F that are designated “No-Passing Zones Established Directly by Ordinance.”
- D. The Highway Department shall ensure that signs restricting the turning of vehicles are posted at the locations and with the restrictions indicated in Schedule G.
- E. The Highway Department shall ensure that signs restricting the travel of vehicles on a highway, or a portion thereof, are posted at the locations and with the restrictions indicated in Schedule H.

SECTION XII – PARKING RESTRICTIONS

The Highway Department shall ensure that signs restricting the parking of vehicles are posted at the locations and with the restrictions indicated in Schedule I.

SECTION XIII – VIOLATIONS

No driver of a vehicle shall disobey any sign that is posted pursuant to applicable law.

SECTION XIV – ENFORCEMENT

- A. Duty to Enforce. It shall be the duty of each duly qualified law enforcement officer of the Sheriff’s Office to enforce any violation of a state law with respect to this ordinance or a County traffic sign.
- B. Citations. A law enforcement officer who has reasonable suspicion that a violation of a state law with respect to this ordinance or a County traffic sign has occurred may prepare and issue a citation in accord with IC 34-28-5 for later prosecution according to law; provided, however, that the officer may instead choose to issue a verbal or written warning for a minor violation.
- C. Reports. The County Clerk of Courts shall certify convictions for violations of a state law with respect to this ordinance or a County traffic sign to the Indiana Bureau of Motor Vehicles in the manner provided by statute.
- D. Fines for Violations of State Law That Constitute an Infraction.

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1. The County Courts may determine, by order, and in accord with IC § 34-28-5, a schedule of fines and costs for traffic violations that constitute an infraction.
2. A person who admits to or does not contest a traffic violation constituting a state law infraction may pay the published fine and costs to the County Clerk of Courts, according to the schedule described in this section.
3. The County Clerk of Courts shall remit fines and costs collected for violations of a state law and owing to the County with respect to this ordinance into the General Fund by transmittal to the Auditor not less often than monthly.

SECTION XV – REPEAL OF PRIOR LAW

- A. The Commissioners hereby repeal the following general traffic ordinances in their entirety: Ordinance 1980-3-1; Resolution 1982-8-16; an untitled ordinance adopted on May 3, 1983, and County Traffic Ordinance 2020-11-16.
- B. The Commissioners hereby repeal, in full, the following ordinances primarily related to the respective designated categories:
- C. [SPEED] Traffic Ordinance 1, 1951 (adopted April 3, 1951); Traffic Ordinance 1, 1959 (dated July 7, 1959); Traffic Ordinance 5, 1959 (adopted December 23, 1959); Traffic Ordinance 6, 1960 (adopted January 18, 1960); an undated traffic ordinance from 1962; Traffic Ordinance 1, 1963 (adopted July 15, 1963); Traffic Ordinance 2, 1964 (adopted February 14, 1964); an untitled ordinance adopted on November 18, 1985 on various traffic restrictions; Ordinance 1987-5-18; an untitled Ordinance adopted on July 20, 1987 on various traffic restrictions; Ordinance 1988-9-7; Ordinance 1989-6-6; Ordinance 1988-7-17; Ordinance 1990-5-22; Ordinance 1991-12-2; Ordinance 1992-7-7.1 (adopted July 6, 1992); Ordinance 1993-93-9-7; Ordinance 1993-9-21-1; Ordinance 1993-11-15; Ordinance 1993-11-16; Ordinance 1993-12-20-1; Ordinance 1994-4-19; Ordinance 1994-11-22; Ordinance 1995-5-2; Ordinance 1995-8-7a; Ordinance 1996-3-18b; Ordinance 1997-10-6b; Ordinance 1999-9-7; Ordinance 2000-8-28b; Ordinance 2000-9-25a; Ordinance 2001-9-4b; Ordinance 2004-10-18; Ordinance 2005-3-21A; Ordinance 2006-2-6; Ordinance 2007-09-04 A; Ordinance 2009-10-05 b; 2011-5-16A; Ordinance 2011-7-18A; Ordinance 2011-10-3 C; Ordinance 2012-09-04; Ordinance 2012-11-19B; Ordinance 2015-09-08 A;
- D. [WEIGHT] Order of Mar. 3, 1958, “V” CM 361; Order of Mar. 2, 1959, “V” CM 68; Order of Apr. 4, 1960, “V” CM 1041; Ord. of June 28, 1960, “V” CM 1091; Order of Mar. 6, 1961, “V” CM 161; an untitled ordinance adopted June 28, 1960; Ordinance 1972-1 (adopted December 18, 1972); Resolution 1983-4-19; Ordinance 87-2-2 (adopted February 2, 1987); Ordinance 1988-12-7; Ordinance 1992-11-2; Ordinance 1995-5-1A; Ordinance 1998-5-18; Ordinance 2000-12-11a;
- E. [THROUGH-STREETS] Ordinance 1, 1954 (adopted September 20, 1954); Ordinance 1, 1957 (adopted December 3, 1957); Ordinance 1, 1964 (adopted February 14, 1964); Ordinance 1, 1965 (adopted September 30, 1965); Ordinance 1991-10-22; Ordinance 1993-9-21; Ordinance 1996-1-16; Ordinance 1998-11-2; Ordinance 2000-7-24; Ordinance 2003-9-2a; Ordinance 2009-6-1; Ordinance 2012-09-17 A;
- F. [FULL-STOP INTERSECTIONS] Ordinance 2, 1963 (adopted July 15, 1963); Ordinance 1994-10-4A; Ordinance 1994-12-20;
- G. [NO-PASSING] Ordinance 9-1990-4; Ordinance 1991-5-20; Ordinance 1992-5-4;
- H. [TRAVEL RESTRICTIONS] Ordinance 6-8-93; Ordinance 2003-4-7b;
- I. [NO PARKING] Ordinance 1990-11-19; Ordinance 1994-4-5-1; Ordinance 1994-7-19; Ordinance 1994-8-2; Ordinance 1996-5-20; Ordinance 1997-7-21A; Ordinance 1998-1-20b; Ordinance 2001-6-4; Ordinance 2001-9-4; Ordinance 2013-07-01; Ordinance 2017-08-21 B;
- J. [ONE WAY] Ordinance 1-1968 (adopted July 6, 1968); and

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K. [ENGINE BRAKES] Ordinance 2010-4-5.

- L. The Commissioners hereby determine and declare that this updated traffic ordinance, whenever it gives effect to a provision that is substantively similar to a provision in a prior ordinance formally repealed by this ordinance, be considered a restatement or reenactment of such provision and that such provision shall be deemed re-ordained by the adoption of this ordinance without the need for further formality.

SECTION XVI – MISCELLANEOUS

G. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, or renumbered from time to time.
 2. Reference in this ordinance to a public servant, department, commission, committee, board, street, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition is satisfied by the performance of the act by an authorized agent or deputy.
- H. Incorporated Materials. Two (2) copies of all materials incorporated herein shall be on file in the office of the Auditor for public inspection.
- I. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.
- J. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- K. Continuance. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed to be a new enactment of the old ordinances, but rather shall be deemed to be the continuation of the original provisions.
- L. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.
- M. Effective Date. This ordinance shall be effective immediately upon adoption and promulgation according to law.

Schedules A – I are on file in the LaGrange County Auditor’s Office

Mr. Dennis Kratz made a motion to approve the Ordinance. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to waive the requirement for second reading. Mr. Terry Martin seconded the motion and it carried unanimously.

OFFICE REMODEL – COUNTY OFFICE BUILDING

Mr. Jason Boggs, Building Commissioner, reported that he requested three quotes for Veteran’s Service Officer’s office remodel in the County Office Building. He received one quote, in the amount of \$21,300 from D & S

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Builders, Inc. Mr. Dennis Kratz made a motion to approve the quote for \$21,300 to be paid out of LIT-Economic Development fund. Mr. Terry Martin seconded the motion and it carried unanimously.

MIDWAY FARMS, INC. – LICENSE AGREEMENT

Mr. Kurt Bachman, County Attorney, presented a License Agreement granting the Board of Commissioners of the County of LaGrange to grant a license to Midway Farms, Inc. to farm approximately 136.50 acres of land in LaGrange County, commonly known as the Lambright Farm. The term of the agreement is from January 1, 2021 to December 31, 2025. Mr. Dennis Kratz made a motion to approve the agreement. Mr. Terry Martin seconded the motion and it carried unanimously.

DONAHO PROPERTY

Mr. Dennis Kratz made a motion to waive the property taxes on the Lisa M. Donaho property. Mr. Terry Martin seconded the motion and it carried unanimously.

INDIANA DEPARTMENT OF TRANSPORTATION – COUNTY BRIDGE INSPECTION CONTRACT

Mr. Ben Parish, County Highway Supervisor, presented a contract between the State of Indiana and the County of LaGrange for the Countywide bridge inspection and inventory program for cycle years 2021-2024. Mr. Dennis Kratz made a motion to approve the contract. Mr. Terry Martin seconded the motion and it carried unanimously.

COUNCIL ON AGING – TRANSPORTATION GRANT

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the Indiana Department of Transportation Section 5311/5339 Grant agreement for consideration. Mr. Dennis Kratz made a motion to approve the application and have the Vice President sign it. Mr. Terry Martin seconded the motion and it carried unanimously.

SALARY ORDINANCE AMENDMENT - HAZARD PAY FOR COUNTY EMPLOYEES

Mr. Terry Martin requested hazard pay for County employees and elected officials for working with the public during the Coronavirus pandemic. He suggested up to \$1,200 for full time employees and up to \$50 per month worked for part time employees. Mr. Dennis Kratz made a motion to accept. Mr. Terry Martin seconded the motion and it carried unanimously. The matter will come before the County Council on December 14, 2020.

CONFLICT OF INTEREST STATEMENT DISCLOSURE STATEMENT

Mrs. Kathryn Hopper, County Auditor, presented Uniform Conflict of Interest Disclosure Statements from Carl Schmidt, Assistant Highway Supervisor. Mr. Dennis Kratz made a motion to accept. Mr. Terry Martin seconded the motion and it carried unanimously.

PARKS – PURCHASE OF MOWER

Mrs. Mary Franke, Park Director, presented two quotes for a new mower with a trade in. The lowest quote is from Greenmark Equipment in the amount of \$5,690.44 which includes the trade in. Mr. Dennis Kratz made a motion to approve the purchase. Mr. Terry Martin seconded the motion and it carried unanimously.

AMENDMENT TO THE ZONING ORDINANCE

Mrs. Robbie Miller, Planning Administrator, presented the following Amendment to the Zoning Ordinance:

AMENDMENT NO. 2020-12-07 B
TO
THE ZONING ORDINANCE

AN ORDINANCE AMENDING THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ON THE 17TH DAY OF NOVEMBER, 2005, AS AMENDED, FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES

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PERMITTED ON REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM A B-1 DISTRICT TO A U-1 DISTRICT.

BE IT ORDAINED by the LaGrange County Commissioners, LaGrange, Indiana, that the Zoning Ordinance passed and adopted by the Board of Commissioners of LaGrange County, Indiana, on the 17th day of November, 2005, as amended, be hereby and further amended as follows:

1. That the zoning map for the following described real estate located at parcel #: 44-10-33-400-001.030-011, Wolcottville, more fully described below hereto, be rezoned and changed from a B-1 District to a U-1 District.

LEGAL DESCRIPTION

LAND DESCRIPTION:

BEGINNING AT A 5/8 INCH, DOYLE-CAPPED REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 40; THENCE NORTH 89 DEGREES 53 MINUTES 20 SECONDS EAST ALONG THE NORTH LINES OF SAID LOTS 40 AND 41 AND BEING THE SOUTH RIGHT OF WAY LINE OF MYERS STREET, A PLATTED AND MAINTAINED 141.24 FEET TO THE NORTHEAST CORNER OF SAID LOT 41; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST (RECORD BEARING AND BASELINE), ALONG THE EAST LINE OF SAID LOT 40 AND BEING THE WEST RIGHT OF WAY LINE OF NORTH MAIN STREET, A RECORDED AND MEASURED 103.00 FEET TO THE NORTHEAST CORNER OF LAND DESCRIBED IN DEED INSTRUMENT 03090460 (FLOYD TO FLOYD); THENCE SOUTH 88 DEGREES 52 MINUTES 29 SECONDS WEST, A CALCULATED AND MEASURED 141.26 FEET TO A 5/8 INCH, DOYLE-CAPPED REBAR ON THE WEST LINE OF SAID LOT 40; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 40, A CALCULATED AND MEASURED 105.50 FEET BACK TO THE POINT OF BEGINNING.

Mr. Dennis Kratz made a motion to approve the Amendment. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to waive the requirement for second reading. Mr. Terry Martin seconded the motion and it carried unanimously.

AMENDMENT TO THE ZONING ORDINANCE

Mrs. Robbie Miller, Planning Administrator, presented the following Amendment to the Zoning Ordinance:

**AMENDMENT NO. 2020-12-07 C
TO
THE ZONING ORDINANCE**

AN ORDINANCE AMENDING THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ON THE 17TH DAY OF NOVEMBER, 2005, AS AMENDED, FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES PERMITTED ON REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM A S-1 DISTRICT TO AN I-2 DISTRICT.

BE IT ORDAINED by the LaGrange County Commissioners, LaGrange, Indiana, that the Zoning Ordinance passed and adopted by the Board of Commissioners of LaGrange County, Indiana, on the 17th day of November, 2005, as amended, be hereby and further amended as follows:

1. That the zoning map for the following described real estate located at parcel #: 44-12-25-400-000.082-008, Topeka, more fully described below hereto, be rezoned and changed from a S-1 District to a I-2 District.

LEGAL DESCRIPTION

Part of the North Half of the Northwest Quarter of the Southeast Quarter of Section 25, Township 36 North, Range 8 East, Eden Civil Township, LaGrange County, Indiana, and bounded as follows:

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Beginning at a #5 Justice capped rebar at the northwest corner of said Quarter; thence North 89°19'04" East (Basis of Bearings: State Plane) along the north line of said Quarter, 1330.41 feet to the east line of the Northwest Quarter of said Quarter; thence South 01°08'45" East along said east line, 625 feet; thence South 89°08'30" West 1322.6 feet to the west line of said Quarter; thence North 01°51'24" West along said west line, 629 feet to the point of beginning, and containing 19.1 acres, more or less.

Mr. Dennis Kratz made a motion to approve the Amendment. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to waive the requirement for second reading. Mr. Terry Martin seconded the motion and it carried unanimously.

SUBDIVISION PLAT

Mrs. Robbie Miller, Planning Administrator, presented the following plat for consideration:

West's Hilltop Addition

There is one lot in this subdivision, in Milford Township, located east of 2355 S 1150 E, LaGrange. Section 01, Township 36N, Range 11E. The owner is Tri-County Land Trustee Corp, Myron Schrock. Mr. Dennis Kratz made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

SURVEYOR – PURCHASE OF HARRISON MARKERS

Mr. Zachary Holsinger, County Surveyor, requested permission to purchase Harrison markers in the amount of \$5,909.73 to be paid out of the Surveyor Corner Perpetuation fund. Mr. Dennis Kratz made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

HEALTH – PURCHASE OF REFRIGERATOR

Mr. Alfredo Garcia, Health Administrator, requested permission to purchase a new pharmacy refrigerator in the amount of \$11,567.75 out of the Immunization Grant fund. Mr. Dennis Kratz made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

To dispose of the old refrigerator would cost \$250, and they would like to donate the refrigerator to an interested party. Mr. Dennis Kratz made a motion to approve the request to donate the refrigerator. Mr. Terry Martin seconded the motion and it carried unanimously.

SHERIFF – PURCHASE OF DISHWASHER

Mr. Jeff Campos, County Sheriff, requested permission to purchase a new dishwasher in the amount of \$29,153.81 out of the Sheriff's budget. Mr. Dennis Kratz made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

SHERIFF – CARES ACT REQUESTS

Mr. Jeff Campos, County Sheriff, requested to purchase three back pack sprayers in the amount of \$1,418.60 and three temperature screening kiosks in the amount of \$1,648.00 each.

Mr. Dennis Kratz made a motion to approve two back pack sprayers for \$2,837.20 out of the Cares Act funds. Mr. Terry Martin seconded the motion and it carried unanimously.

Mr. Terry Martin made a motion to approve three back temperature screening kiosks for \$4,944.00 out of the Cares Act funds. Mr. Dennis Kratz seconded the motion and it carried unanimously.

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Mr. Campos requested to purchase a radio upgrade for the 911 department. The current radio system is at the end of life and will be obsolete in two years. The cost of the upgrade is approximately \$400,000. He would like to purchase portable handheld radios and mobile radios. The current radios are near the end of life and cannot be repaired. The total cost would be \$98,750.

COMMUNITY CONNECTIONS FOR PEOPLE WITH DISABILITIES GRANT

Mr. Matt Brinkman, Region 3A Executive Director, requested permission to apply for a grant. The grant is a Community Connections for People with Disabilities Grant, through the Supplemental Coronavirus Community Development Block Grant Program. In order to apply for the grant, they are asking the County to be the lead applicant. There is no local match required. Ms. Debra Lambright, Development Director with ARC Opportunities, explained that the grant would be used to develop virtual and technology assisted activities to adults with disabilities. Mr. Dennis Kratz made a motion to apply for the grant and set a public hearing for December 30, 2020. Mr. Terry Martin seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Dennis Kratz made a motion to approve the vouchers. Mr. Terry Martin seconded the motion and it carried unanimously.

NOVEMBER 2020 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending November 30, 2020, in the amount of \$32,524,439.96 and investments of \$23,132,000. Mr. Dennis Kratz made a motion to accept the report. Mr. Terry Martin seconded the motion and it carried unanimously.

MINUTES

Mr. Dennis Kratz made a motion to approve the minutes of the November 16, 2020 regular session meeting and the November 9, 13, and 23, 2020 special joint session meetings. Mr. Terry Martin seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the December 2, 2020 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – November 2020 report

LaGrange County Treasurer – November 2020 report

LaGrange County Weights and Measures – October 16 – November 15, 2020 report

William & Judy Causey, 10095 E 645 S, Wolcottville, Indiana – Notice of Public Hearing, December 15, 2020

Mediacom – Letter informing of rate adjustments

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Strand Associates – LaGrange County Landfill Fall 2020 Post-Closure Inspection Report

Indiana Department of Environmental Management – Notice of Public Comment, Renewal of a Minor Source

Operating Permit, Excel Finishings LLC, in LaGrange County, MSOP Renewal No. 087-43088-00682

Indiana Department of Environmental Management – Notice of Public Comment, Revision to a Federally

Enforceable State Operating Permit, Forest River, LaGrange Complex, in LaGrange County, Significant Permit

Revision No. 087-43324-00685

ADJOURNMENT

There being nothing further to come before the Board at this time, Mr. Dennis Kratz made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Terry Martin seconded the motion and it carried unanimously.

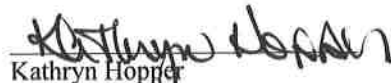
Absent

Larry N. Miller

Terry A. Martin

Dennis H. Kratz

ATTEST:



Kathryn Hopper
LaGrange County Auditor