

APRIL 1, 2024

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, April 1, 2024, 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. Peter A. Cook, and LaGrange County Auditor, Kathryn Hopper. Mr. Kevin Myers was absent. Mr. Terry Martin, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Peter Cook made a motion to adopt the proposed agenda with flexibility. Mr. Terry Martin seconded the motion and it carried unanimously.

COMMUNITY CORRECTION GRANT APPLICATION

Mr. Brett Hays, Executive Director of the Northeast Indiana Community Corrections, presented a request to apply for a grant for the Community Correction program for 2025. Mr. Hays informed the Council that the grant application is for funding a full-time probation officer and a Drug Court coordinator for LaGrange County. Mr. Hays informed the Council that if approved LaGrange would receive \$294,947.70. Mr. Peter Cook made a motion to approve the grant application as presented and authorized the president to sign the application. Mr. Terry Martin seconded the motion and it carried unanimously.

Judge Bowen-Slaven explained that she would be seeking funds for a Drug court case manager, a clerical assistant, rent, utilities, and office expenses. She is looking into finding office space. She is looking into grant funding to cover the costs. She has opioid settlement funding that could be used towards this. Mr. Peter Cook made a motion to give a positive recommendation to the County Council. Mr. Terry Martin seconded the motion and it carried unanimously.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, AUTHORIZING THE SALE AND DISPOSAL OF REAL ESTATE BY THE COUNTY PURSUANT TO I.C. § 36-1-11-4

Mr. Tony Manns, County Attorney, presented the following Resolution for consideration:

RESOLUTION NO. 2024-04-01 A

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, AUTHORIZING THE SALE AND DISPOSAL OF REAL ESTATE BY THE COUNTY PURSUANT TO I.C. § 36-1-11-4.

WHEREAS, the County of LaGrange, Indiana (the "County") owns certain real estate more commonly known as 107 W. Spring Street, LaGrange, Indiana 46761 and taxed as Parcel No. 44-07-19-300-001.031-002, and more particularly described and/or depicted on Exhibit "A" attached hereto and incorporated herein (the "Real Estate"); and

WHEREAS, pursuant to Indiana Code § 36-1-11-3, the sale or disposal of the Real Estate is subject to the approval of the Board of Commissioners (the "Board") of the County, as executive of the County, after a public hearing; and

WHEREAS, the Board has given notice under Indiana Code §5-3-1 and on March 18, 2024, conducted the public hearing regarding the sale or disposal of the Real Estate; and

WHEREAS, pursuant to Indiana Code § 36-1-11-4 the County shall: (i) have the Real Estate appraised by two (2) appraisers professionally engaged in making appraisals or be trained as an appraiser and licensed as a broker under Indiana Code §25-34.1; (ii) determine a minimum bid for the Real Estate based on the appraisals; and (iii) publish a notice in accordance with Indiana Code § 5-3-1 setting forth the terms and conditions of the sale, including the minimum bid; and

WHEREAS, the County has secured the required appraisals and, after conducting the public hearing, set a minimum bid for the Real Estate in an amount not less than Fifty Thousand and 00/100 Dollars (\$50,000.00), said amount being the average of the two (2) appraisals secured by the County; and

WHEREAS, pursuant to Indiana Code § 36-1-11-3 and Resolution No. 2024-02-12-F, the County Council has approved of the sale of the Real Estate; and

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WHEREAS, the Auditor of the County, on behalf of the Board and County, has hereto before published a notice in accordance with Indiana Code § 5-3-1 setting forth the terms and conditions of the sale, including the minimum bid of Fifty Thousand and 00/100 Dollars (\$50,000.00); and

WHEREAS, after considering this matter, the Board finds that the sale and disposal of the Real Estate is in the best interest of the County.

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

1. That the Board hereby confirms, ratifies, and approves the appointment of William F. Schnepf, Jr. of All Appraisals, Inc., and Jerry L. Stanner of Stanner Appraisal Service, Inc., already made for the appraisal of the Real Estate.

2. That the Board hereby confirms, ratifies, and approves of the sale and disposal of the Real Estate in the manner provided in Indiana Code § 36-1-11-4, and sets a minimum bid for the Real Estate in an amount of Fifty Thousand and 00/100 Dollars (\$50,000.00).

3. That the Board hereby confirms, ratifies, and approves the actions of the Auditor of the County, on behalf of the Board and County, regarding the publication of a notice in accordance with Indiana Code § 5-3-1 setting forth the terms and conditions of the sale, including the minimum bid of Fifty Thousand and 00/100 Dollars (\$50,000.00).

4. That the President and the Auditor of the County be, and they hereby are, authorized and empowered to execute and deliver all bid forms, purchase agreements, deeds, sales disclosures, closing statements, and affidavits, as in either of their judgment might deem best and as may be desired or required of the County in connection with the disposition of the Real Estate.

5. That the execution by the President and the Auditor of the County of any document authorized by the foregoing Resolution, or any document executed by either of them in the accomplishment of any action or actions so authorized, is the enforceable and binding act and obligation of this County.

6. No part of this Resolution shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Resolution are hereby declared to be severable.

Mr. Peter Cook made a motion to approve the Resolution. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Peter Cook made a motion to waive the requirement for second reading. Mr. Terry Martin seconded the motion and it carried unanimously.

SEXUAL ASSAULT AWARENESS MONTH

Ms. Brandy Low, Victims Assistant Coordinator, explained that April is Sexual Assault Awareness Month and is an annual campaign to raise public awareness about sexual assault and educate communities and individuals on how to prevent sexual violence. April 24 2024 is designated as Denim Day, and she would like permission to have County employees to wear denim that day. She would like to do a chalk walk that day to raise awareness. Mr. Peter Cook made a motion to approve the activities. Mr. Terry Martin seconded the motion and it carried unanimously.

RESOLUTION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE FORT WAYNE HOUSING AUTHORITY TO PARTICIPATE IN THE HOOSIER HOMES PROGRAM

Mr. Tony Manns, County Attorney, presented the following Resolution for consideration:

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**COUNTY OF LAGRANGE
RESOLUTION NO. 2024-04-01 B**

**RESOLUTION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE FORT WAYNE HOUSING
AUTHORITY TO PARTICIPATE IN THE HOOSIER HOMES PROGRAM**

WHEREAS, LaGrange County is a political subdivision organized and existing under the Constitution and State Law of Indiana, and

WHEREAS, LaGrange County seeks out independent agencies to establish a housing program which includes but is not limited to expanding single family home purchase options within its eligible jurisdiction, in an effort to support homeownership and the commitment to cultivating a thriving community; and

WHEREAS, the Fort Wayne Housing Authority ("FWHA") sponsors and administers the Indiana Housing Initiative ("Hoosier Homes Program") to provide a homeownership program with competitive HUD, Fannie Mae and Freddie Mac eligible mortgage loans and down payment and closing cost assistance towards the purchase of existing and newly constructed homes within Fort Wayne, Indiana, for the benefit of qualified homebuyers, and

WHEREAS, FWHA has invited LaGrange County to participate in its Hoosier Homes Program as a government sponsor to implement the program in LaGrange County; and

WHEREAS, pursuant to Indiana Code Section 36-1-7-2(b), Indiana governmental entities that only want to exchange services, supplies, or equipment between or among themselves may enter into contracts to do this; and

WHEREAS, LaGrange County has the full legal authority to enter into an intergovernmental cooperative agreement with FWHA, and that LaGrange County desires to delegate to FWHA the authority to take such actions as may be necessary or convenient to make the Hoosier Homes Program available on its behalf within its jurisdiction; and

WHEREAS, LaGrange County desires to enter into a Cooperative Agreement with FWHA with the Capacity Enhancement and Development Services dba Club 720® and Stifel Nicolaus & Company, as Administrators, with the condition that the Hoosier Homes Program does not create an administrative or fiscal obligation to LaGrange County; and

WHEREAS, it is the recommendation of the Board of Commissioners of the County of LaGrange, Indiana ("Commissioners") to approve LaGrange County's participation in the Hoosier Home Program.

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

Authorization. The Commissioners hereby authorize and direct LaGrange County employees and officials to execute and deliver the Cooperative Agreement attached hereto as Appendix A and to take such other actions as may be necessary or convenient to carry out and give effect to LaGrange County's participation in the Hoosier Homes Program.

Repeal. Ordinance 2021-10-18-B, which was adopted on October 18, 2021, is hereby repealed in its entirety. The express or implied repeal or amendment by this ordinance of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings 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.

Mr. Peter Cook made a motion to approve the Resolution. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Peter Cook made a motion to waive the requirement for second reading. Mr. Terry Martin seconded the motion and it carried unanimously.

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ORDINANCE ADOPTING A NEW VERSION OF THE COUNTY'S EMERGENCY OPERATIONS PLAN

Mr. Tony Manns, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2024-04-01 C

AN ORDINANCE ADOPTING A NEW VERSION OF THE COUNTY'S EMERGENCY OPERATIONS
PLAN

WHEREAS, pursuant to Indiana Code ("IC") 10-14-3-17(h), each local agency shall prepare and keep current a local disaster emergency plan for its area;

WHEREAS, pursuant to IC 10-14-3-17(j), each political subdivision may direct and coordinate the development of an emergency operations plan in accordance with the policies and plans set by the federal emergency management agency and the department of homeland security established by IC 10-19-2-1;

WHEREAS, pursuant to IC 36-2-2-2, the Board of Commissioners of the County of LaGrange ("Commissioners") is the executive of LaGrange County, Indiana ("County");

WHEREAS, the Commissioners have adopted, and at times amended, various emergency operations plans to effectively support the County's emergency management program;

WHEREAS, the Commissioners have determined that there is a need to update the *LaGrange County Comprehensive Emergency Management Plan* dated June 4, 2012, as adopted by Resolution 2012-06-04.

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

SECTION I – NAME

The name of this ordinance is the "Emergency Operations Plan Adoption Ordinance."

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.

SECTION III – PLAN ADOPTION

- A. Definition. As used in this ordinance, "Plan" means the *LaGrange County, Indiana Emergency Operations Plan* dated April 1, 2024, attached to this ordinance as Exhibit A.
- B. Purpose. The Plan is promulgated to prepare for and respond to various types of disasters and emergencies; to coordinate and properly allocate local and out-of-County resources; to protect public safety and minimize harm to people, property, and the environment; to help meet legal and financial requirements; to accelerate recovery; and to increase public confidence and trust.
- C. Approval; Adoption; Incorporation. The Plan is hereby approved and adopted. The Plan is incorporated into this ordinance by reference as if fully set out herein.
- D. Promulgation. The Emergency Management Director is hereby authorized, empowered, and directed to take all action necessary or proper to promulgate the Plan, to coordinate the development of the Plan with other agencies, and to otherwise put the Plan into effect.

SECTION IV – REPEAL OF PRIOR LAW

- A. Repeal. Resolutions 2011-6-20 and 2012-06-04, which were adopted on June 6, 2011 and June 4, 2012, are hereby repealed in their entirety.

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B. Continuance.

1. The express or implied repeal or amendment by this ordinance of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings 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.
 2. To the extent that the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, the provisions shall not be deemed a new enactment, but rather shall be deemed the continuation of the original provisions.
 3. All rules and regulations adopted under any continued version of this ordinance shall remain in full force and effect except as specifically directed otherwise.
- C. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or resolution or part thereof shall not be construed to revive any former ordinance, resolution, section, clause, or provision.

SECTION V – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
 2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, 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 may do instead of the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Judicial Review. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, nor any other right, protection, immunity, defense, or limitation on liability that the County or such related parties is provided by applicable law.
- C. 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.
- D. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- E. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.
- F. Promulgation. The Auditor is hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- G. Codification. To the extent a substantive change in meaning does not result, the codifier of ordinances may omit the

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Recitals, Name, Repeals, Miscellaneous, and Ordinance Adoption sections of this ordinance from the official code, as well as the incorporated Plan, may renumber or reorder any section of this ordinance, and may alter references to this ordinance and to exhibits as appropriate.

H. Effective Date. This ordinance shall take effect immediately upon adoption.

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

CLERK – REQUEST OF HAVE MARRIAGE RECORDS SCANNED

Mrs. Kimberley Johnson, County Clerk, requested approval to have some of the marriage license record books scanned. The cost would be \$6,933 to scan 83 record books and would be paid out of the Clerk's Records Perpetuation fund. Mr. Peter Cook made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

ORDINANCE REGULATING USE OF THE COUNTY PARKS AND OTHER AREAS UNDER THE PRIMARY JURISDICTION OF THE LAGRANGE COUNTY PARK AND RECREATION BOARD

Mr. Mary Franke, Park Director, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2024-04-01 D

AN ORDINANCE REGULATING USE OF THE COUNTY PARKS AND OTHER AREAS UNDER THE PRIMARY JURISDICTION OF THE LAGRANGE COUNTY PARK AND RECREATION BOARD

WHEREAS, pursuant to Indiana Code ("IC") Chapter 36-10-3 and the LaGrange County Park Department Ordinance, the LaGrange County Council, established a LaGrange County Department of Parks and Recreation ("Department") under the jurisdiction of the LaGrange County Park and Recreation Board ("Park Board");

WHEREAS, pursuant to IC 36-10-3-10(a)(2), the Park Board must establish rules governing the use of parks and recreation facilities by the public;

WHEREAS, pursuant to IC 36-10-3-10(a)(3), the Park Board must provide police protection for its property and activities by requesting assistance from county police authorities;

WHEREAS, pursuant to IC 36-1-2-9, the Board of Commissioners of the County of LaGrange ("Commissioners") is the legislative body of LaGrange County, Indiana ("County");

WHEREAS, pursuant to IC 36-8-2-4, the Commissioners may regulate the conduct, or use or possession of property, that might endanger the public health, safety, or welfare of the County;

WHEREAS, pursuant to IC 36-1-6-4(a), the Commissioners may bring a civil action against a person who violates an ordinance regulating or prohibiting a condition or use of property or who engages in conduct without a license or permit if an ordinance requires a license or permit to engage in the conduct;

WHEREAS, the Commissioners and the Park Board desire to preserve County parks and to ensure the safety of and enjoyment of park visitors;

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WHEREAS, pursuant to Resolution 2024-3-21-B, the Park Board adopted rules governing the use of County parks and recreation facilities by the public;

WHEREAS, the Park Board desires that violations of the resolution be enforceable by fines and has requested that the Commissioners update the County's park rules ordinance;

WHEREAS, the Commissioners previously established park rules under Ord. 2020-11-02-B and now desire to reorganize and amend the ordinance.

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

SECTION I – NAME

The name of this ordinance shall be the "LaGrange County Park Rules."

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into, and made a part of, this ordinance and found to be true, accurate, and correct.

SECTION III – DEFINITIONS

- A. Meaning. Whenever the following terms are used in this ordinance, they shall have the meanings herein ascribed to them unless the context clearly indicates or requires otherwise.
1. "Park" includes any recreational area within the jurisdiction of the Park Department and includes any area of land, airspace, body of water, and/or facility located therein.
 2. "Park Department" means the LaGrange County Department of Parks and Recreation, as governed by the LaGrange County Park and Recreation Board and as administered by its Park Director.
 3. "Permit" means a non-expired written authorization or contract obtained from the Park Department that allows the permittee and guests designated thereon to lawfully engage in prescribed activities pursuant to the terms of the permit.
- B. Arbiter. The Commissioners shall have the final authority in adjudicating the meaning of the terms in this section.

SECTION IV – SCOPE

- A. Jurisdiction. This ordinance applies only to activities located in LaGrange County parks or to interactions with Park Department personnel.
- B. Official Action. Nothing in this ordinance shall be construed to regulate any person to the extent that the person is acting on behalf of the Park Department or the County or cooperating directly with a police officer or Park Department personnel.
- C. Permits and Signs.
1. Where this ordinance conflicts with the terms of a permit or posted sign, the terms of the permit or sign control with respect to that person and the use of any park area permitted thereby.
 2. If an act or omission would be considered a violation under this ordinance but is specifically allowed by a permit or sign, that act or omission is instead not a violation.
- D. Limitation of Liability. The issuance of any permit shall in no way operate to guarantee the safety of any person.

SECTION V – WILDLIFE & TERRAIN VIOLATIONS

- A. Threats to Animals. Except as provided in this section, no person shall knowingly:
1. kill, wound, hunt, trap, shoot, throw rocks or missiles at, chase, molest, or remove any feral mammal, reptile, amphibian, or bird;

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2. remove the offspring or eggs of any feral mammal, reptile, amphibian, or bird; *or*
 3. buy, sell, donate, receive, or possess any wild mammal, reptile, amphibian, bird, or egg.
- B. Threats to Plants. Except as provided in this section, no person shall knowingly dig up, cut, trim, break, set fire to, disturb, climb on, remove, or otherwise damage any vegetation.
- C. Excavation. No person shall knowingly excavate or remove any ground surface material.
- D. Non-Native. No person shall knowingly bring into a park and release therein any animal, plant, seed, soil, sand, rock, or other ground surface material that is not native to the area.
- E. Exception: Fishing. This section does not prohibit the harvesting of appropriate amounts of fish for personal use by any person in possession of a current fishing license who uses any fishing method that is continuously attended and monitored.
- F. Exception: Harvesting. This section does not prohibit, except in an area specifically designated as a "No Harvest" area, the harvesting of:
1. ripe fruit, nuts, or mushrooms in an amount appropriate for immediate consumption or use by a person or his or her family;
 2. dead, dried, and aboveground remains of herbaceous plants in an amount appropriate for personal use; *or*
 3. firewood, but only upon execution of a liability waiver as part of a permit.

SECTION VI – PARK ACCESS VIOLATIONS

- A. Hours of Operation. No person shall knowingly enter, occupy, or use any park area or facility outside the posted hours of operation provided, however, that this provision does not apply to a person using a trail to commute to or from work.
- B. Reservations. No person shall enter, occupy, or use any park area or facility while posted as reserved for a specific organized function or group of persons.
- C. Usage Fees. No person shall enter, occupy, or use any park area or facility without first having paid any fee required therefor,

SECTION VII – FIRE VIOLATIONS

- A. Fires. No person shall kindle, build, stoke, light, maintain, or use a fire within a park, unless the fire is:
1. constructed and maintained only with charcoal or, where posted, with wood;
 2. in a fireplace, furnace, oven, range, grill, or other noncombustible container with sides and bottom sufficient to prevent the spread of fire or flames;
 3. if outside, a minimum of six (6) feet away from any facility or combustible vegetation; *and*
 4. continuously monitored and cared for from kindling to complete extinguishment by a competent adult person.
- B. Attendance. No person shall leave any active or smoldering fire unattended.
- C. Fireworks. No person shall use fireworks, as that term is defined in IC 22-11-14-1.
- D. Kindling. No person shall toss, drop, throw away, deposit, or otherwise discard ashes, coals, used matches, or smoking materials upon the ground, in waters, or in trash containers except in a fireplace or other appropriate container designed and designated for the deposit of any such materials.

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SECTION VIII – TRASH VIOLATIONS

- A. Dumping. No person shall knowingly bring refuse, as that term is defined by IC 35-45-3-2(b), into a park for deposit in a receptacle or for dumping. This rule does not prohibit the proper use of receptacles in any cleanup resulting from activities occurring within a park.
- B. Litter. No person shall knowingly throw or deposit litter except in a receptacle specifically designated for such use.

SECTION IX – FOOD AND SUBSTANCE VIOLATIONS

- A. Glass Containers. No person shall possess a glass food or beverage container, except within an enclosed building.
- B. Alcohol. No person shall possess, consume, sell, give away, or use any alcoholic beverage.
- C. Controlled Substance. No person shall possess, consume, sell, give away, or use any controlled substance, as that term is defined in IC 35-48-1-9.
- D. Smoking. No person shall smoke or vape nicotine or marijuana within any Park building or beach.

SECTION X – DOMESTIC ANIMAL VIOLATIONS

- A. Pet Control. No person shall possess any pet or domesticated animal unless the animal is:
 - 1. continuously restrained by a firmly held or attached leash that is of sufficient length, but not longer than six (6) feet;
 - 2. securely confined within a fully enclosed area; *or*
 - 3. at a specifically designated “Pets Exercise Area.”
- B. No Pets Area. Notwithstanding anything in Subsection (A) to the contrary, no person shall possess any pet or domesticated animal at:
 - 1. any area that is specifically designated as a “No Pets” area; *or*
 - 2. any public beach or playground.
- C. Dangerous Animals. No person shall possess any pet or domesticated animal that has been designated as a dangerous animal by the Commissioners or the Park Department.
- D. Hitching. No person shall tie any domesticated animal to any tree or other plant.
- E. Abandonment. No person shall knowingly cause or direct the abandonment or unlimited release of any animal.
- F. Fecal Matter. No person shall allow any pet to deposit any fecal matter unless the person ensures that the fecal matter is properly disposed of before leaving the immediate area.
- G. Commerce. No person shall knowingly buy, receive, possess, sell, or give away any pet or domesticated animal.
- H. Exception. Nothing in this section shall be construed to prevent a person with a disability, as defined by the Americans with Disabilities Act of 1990, from using an animal specifically trained to assist that person anywhere within a park.

SECTION XI – VEHICLE & WATERCRAFT VIOLATIONS

- A. Definition. For purposes of this section:
 - 1. “Vehicle” means any device designed to transport its operator across a highway or terrain by motorized or animal power; the term includes, but is not limited to, automobiles, trucks, motorcycles, snowmobiles, all-terrain vehicles, and horse-drawn vehicles.
 - 2. “Watercraft” means any vessel designed to transport its operator across, upon, under, or through water by any means of power; the term includes, but is not limited to, motorboats, pedal boats, canoes, and kayaks.

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B. Use Restrictions. No person shall operate:

1. any vehicle or watercraft outside the posted access hours; *nor*
2. any vehicle or watercraft unless it is properly licensed or has a valid registration; *nor*
3. any vehicle or watercraft in such a way that it obstructs traffic; *nor*
4. any vehicle in excess of fifteen (15) miles per hour; *nor*
5. any vehicle off road except in a place and manner specifically designated; *nor*
6. any watercraft unless all occupants are wearing lifejackets; *nor*
7. any watercraft within fifty (50) feet of any water control structure.

C. Parking Restrictions. No person shall park, moor, or anchor any vehicle or watercraft:

1. outside the posted access hours; *nor*
2. in any area not designated for such use; *nor*
3. in any area designated as “Unloading Only” or “Temporary Parking” and then leave the vehicle unattended for a period exceeding fifteen (15) minutes.

SECTION XII – RECREATIONAL USE VIOLATIONS

- A. Noise. No person shall make unreasonable noise and continue to do so after being asked to stop by a police officer or Park Department personnel.
- B. Swimming. No person shall swim or wade, except at a designated beach area.
- C. Camping. No person shall pitch or maintain a tent or other improvised shelter for the purpose of overnight camping.
- D. Climbing. No person shall climb on or rappel down any tree, tower, or other structure.
- E. Extreme Sports. No person shall engage in ballooning, hang gliding, gliding, kiteboarding, parachuting, parasailing, skydiving, aerobatics, bungee jumping, and/or ultralight aviation.

SECTION XIII – TRAIL USE VIOLATIONS

A. Definition. For purposes of this section:

1. “Mobility device” means any device with wheels or blades that is primarily used for locomotion; the term includes, but not limited to, bicycles, scooters, roller skates, rollerblades, skateboards, skis, wheelchairs, and power-driven mobility devices.
2. “Power-driven mobility device” means any mobility device that is primarily powered by a non-human, non-animal source; for avoidance of doubt, the term includes an e-bike, even when the motor is not in use.

B. Stay on Trail. No person shall knowingly leave any trail, except at designated entrances, exits, and crossing roadways, trails, or paths.

C. Obstruction. No person shall repeatedly or continually block the passage of another person on any trail or path.

D. Mobility Devices.

1. No person shall use on any trail or path any bicycle except where signs may permit.
2. No person shall use on any trail or path any mobility device:
 - a. as part of a race; *nor*
 - b. on the left-hand side of the trail or path, except when passing; *nor*
 - c. at a speed over twelve (12) miles per hour; *nor*
 - d. in any other reckless or dangerous manner.

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3. No person shall pass another person from behind using a mobility device without having given a clear audible alert immediately prior to such passing.

E. Power-Driven Mobility Devices.

1. No person shall use any power-driven mobility device on any trail or path unless that person is a senior citizen or a person who has (or is regarded as having) a physical impairment that substantially limits locomotion.
2. No person shall use on any trail or path any power-driven mobility device:
 - a. that has an internal combustion engine; *nor*
 - b. that is an e-bike of Class 3 or higher; *nor*
 - c. that has a width greater than 36" or a weight greater than 200 pounds; *nor*
 - d. at a speed over six (6) miles per hour.

F. Animal Transport. No person shall ride any animal or animal-drawn vehicle on any trail or path.

SECTION XIV – COMMERCIAL USE VIOLATIONS

- A. Soliciting. No person shall solicit alms, subscriptions, or contributions.
- B. Promotions. No person shall sell, advertise, or promote publicly any commercial product.
- C. Commercial Photography. No person shall photograph for promotion or sale any commercial product or commercial event.

SECTION XV – PERMIT VIOLATIONS

- A. Duty to Acquire. No person shall fail to properly apply for, nor abide by the terms of, a permit that the person is obligated to acquire or maintain pursuant to this ordinance.
- B. Fraud. No person shall apply for a permit with false or misleading information.
- C. Updates. No person fail to update any outdated information or documents on the permit application before the expiration of the permit.
- D. Expiration. No person shall carry out an act pursuant to an expired or revoked permit.
- E. Transfer. No person shall transfer a permit to, or accept a permit from, another person.
- F. Display. Upon reasonable request from a police officer or the Park Department, no person shall fail to promptly produce the respective permit when performing a permitted activity.

SECTION XVI – GENERAL VIOLATIONS

- A. Applicable Law. No person shall violate any other federal, state, or other local law.
- B. Regulation of Third Parties. No person shall knowingly cause, procure, aid, or abet another person to violate a provision of this ordinance.
- C. Regulation of Minors. No person shall knowingly permit a minor in the person's immediate custody to violate a provision of this ordinance.
- D. Park Department Personnel. No person shall:
 1. disobey or contravene the reasonable instructions of Park Department personnel; *nor*
 2. impede any Park Department personnel from carrying out their duties.
- E. Signs. No person shall disobey or contravene any notice, prohibition, or instruction posted on a park sign (including, but not limited to, at any beach, ramp, dock, playground area, pavilion, shelter, recreation center, building, or other facility).

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SECTION XVII – ENFORCEMENT

- A. Deputization. The Sheriff may deputize Park Department employees as police officers who, to the extent of their continued employment by the Park Department and deputization, may enforce this ordinance and other applicable law within County parks. Employees deputized in this way are not eligible for any police pension benefit or other emolument of police officers. The Sheriff shall review all such deputizations annually.
- B. Signage. The Park Director may take all action necessary or desirable to summarize and post the park rules in this ordinance and/or similar guidelines of Park-related etiquette.
- C. Searches. All coolers and containers are subject to inspection by the Park Department.
- D. Citation. Any law enforcement officer who has reasonable suspicion that a violation of this ordinance has occurred may issue a citation for an ordinance violation, which may be prosecuted in accordance with IC 34-28-5.
- E. Ejectment. A police officer may order any person who does not follow the park rules established by this ordinance to immediately leave and stay away from all County parks for up to seven (7) days as stated in a written notice; provided, however, that the Commissioners may follow up with and impose a longer period of ejectment.
- F. Criminal Trespass. As long as the elements of IC § 35-43-2-2 are otherwise met, a police officer may treat as criminal trespass a situation where a person wrongfully enters or remains in an area of a park:
 - 1. not open to the general public;
 - 2. for a mischievous or malicious purpose that has caused, or is likely to cause, harm to persons or property;
 - 3. outside its hours of operation; *and/or*
 - 4. while being subject to an ejectment order by a police officer or the Commissioners.
- G. Civil Trespass. A person who wrongfully enters or remains in an area of a park shall be liable to the Park Department and/or Commissioners for civil damages and for all costs borne by the Park Department and/or Commissioners (including reasonable attorney's fees) in an action for trespassing, including injunctive relief.
- H. Permit Revocation. Park Department personnel may alter, suspend, or revoke any permit, without fee refund, and shut down any gathering or event permitted thereby for failure to adhere to the terms of this ordinance.
- I. Parked Vehicles or Watercraft. Any vehicle or watercraft left in the park after hours may be towed at owner cost without further notice to the owner or operator.
- J. Administrative Proceeding. The Commissioners may, on their own motion, convene an administrative proceeding of their own body to enforce this ordinance after providing proper notice of the time and date of the hearing to the alleged violator at least ten (10) days before the hearing and after providing an opportunity for that person to be heard.

SECTION XVIII – PENALTIES AND COSTS

- A. Fines. Any violation of any provision of this ordinance shall be punishable by a fine of up to One Thousand Dollars (\$1,000.00), though the enforcing officer or violations clerk may reduce the amount indicated on the citation to the maximum amount set by IC 33-36-2-3 for civil penalties.
- B. Costs. Any person found to have violated this ordinance shall be responsible for any and all damages and costs, including reasonable attorney's fees, paralegal fees, and collection costs that are incurred by the County to prosecute and/or correct the violation and/or to return any property to its pre-violation state.
- C. Daily Offense. Each day in which a violation continues shall constitute a separate offense.
- D. Time to Pay. Any fine or cost imposed pursuant to this ordinance shall be paid within sixty (60) days.
- E. Deposits. All fines and costs collected pursuant to this ordinance shall be deposited into the General Fund within thirty (30) days of collection.

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SECTION XIX – REPEAL OF PRIOR LAW

A. Repeal. Ordinance 2020-11-02-B, which was adopted on November 2, 2020, is hereby repealed in its entirety.

B. Continuance.

1. The express or implied repeal or amendment by this ordinance of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings 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.
2. To the extent that the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, the provisions shall not be deemed a new enactment, but rather shall be deemed to be the continuation of the original provisions.
3. All rules and regulations adopted under any continued version of this ordinance shall remain in full force and effect except as specifically directed otherwise.

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

SECTION XX – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, 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.”
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy may do instead of the principal, the requirement 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 the same.

C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

D. Promulgation. The Auditor is hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.

E. Codification. To the extent a substantive change in meaning does not result, the codifier of ordinances may omit the Recitals, Name, Repeals, Miscellaneous, and Adoption sections of this ordinance from the official code, may renumber or reorder any section of this ordinance, and may alter references to this ordinance and to exhibits as appropriate.

F. Effective Date. This ordinance shall take effect immediately upon adoption and promulgation to the extent required by law.

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

PARK – REQUEST TO APPLY FOR A GRANT

Mrs. Mary Franke, Park Director, requested permission to apply for a grant from the Council for Drug Free LaGrange County for the Wilderness Bound Day Camp. The amount of the request is \$5,000. Mr. Peter Cook made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

PARK – RESTROOMS AT DALLAS LAKE PARK

Mrs. Mary Franke, Park Director, presented quotes for cement floors in the restrooms at Dallas Lake Park. The lowest quote is from Jess Concrete in the amount of \$3,668.50. Mr. Peter Cook made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

REQUEST FOR UNPAID LEAVE

Mrs. Jaclyn Medford, Payroll Deputy, presented a request for a medical leave of absence for an employee until April 8, 2024. The employee is not eligible for FMLA. Mr. Peter Cook made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY- AGREEMENT WITH TECH SOLUTIONS

Mr. Dave Warren, Information Technology Director, presented an Annual Service Agreement with TechSolutions, for service work done to the LaGrange County Jail, Courthouse, Annex, Justice Center and County Parks. The agreement is for 2024 in the amount of \$22,300. Mr. Peter Cook made a motion to approve the agreement and authorize the President sign it. Mr. Terry Marti seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – SURPLUS ITEMS

Mr. Dave Warren, Information Technology Director, presented a list of items to be declared as surplus property. Mr. Terry Martin made a motion to approve the request. Mr. Peter Cook seconded the motion and it carried unanimously.

ENGINEERING – ROAD PROJECTS

Mrs. Tharon Morgan, County Engineer, presented a list of projects for 2024 that total \$393,629.50. Mr. Peter Cook made a motion to give a positive recommendation to the County Council. Mr. Terry Martin seconded the motion and it carried unanimously.

ENGINEERING – 2024 BRIDGE SHIMMING

Mrs. Tharon Morgan, County Engineer, presented a contract for the 2024 LaGrange County Bridge Shimming project. The contract is between the Board of Commissioners and R.G. Zachrich Construction, Inc. The agreement is in the amount of \$600 per hour. Mr. Peter Cook made a motion to approve the agreement and authorize the President sign it outside of a public meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

HIGHWAY – SUMMER WORK HOURS

Mr. Aaron Fugate, Highway Supervisor, requested permission to begin the summer work schedule for the Highway Department. They would work 10 hours a day, 4 days a week, beginning May 20, 2024 through September 3, 2024.

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Mr. Peter Cook made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

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

MINUTES

Mr. Peter Cook made a motion to approve the minutes of the March 18, 2024 regular session meetings. Mr. Terry Martin seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Peter Cook made a motion to approve the memorandum for the March 27, 2024 staff meeting. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to approve the memorandum for the March 18, 2024 executive session. Mr. Peter Cook seconded the motion and it carried unanimously.

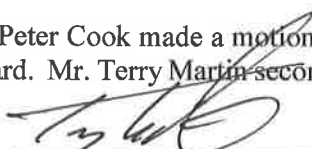
CORRESPONDENCE

Indiana Department of Environmental Management – Notice of Public Comment, Heartland Recreational Vehicles LLC, Permit Number 087-47384-00684

Indiana Department of Environmental Management – Notice of Public Comment, Forest River, Inc., Topeka Complex, Permit Number 087-47145-00052 & 087-47294-00052

ADJOURNMENT

There being nothing further to come before the Board at this time, Mr. Peter Cook 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.


Terry A. Martin


Peter A. Cook


Kevin R. Myers

ATTEST:


Kathryn Hopper

LaGrange County Auditor