

## **Title 8 HEALTH AND SAFETY**

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### **Chapter 8.04 COUNTY BOARD OF HEALTH FEES**

#### **Sections:**

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#### **8.04.010 Individual or private sewage disposal system—Permit required—Fee.**

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

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

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

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

- B. The Porter County health officer is empowered to modify the fee charged for the permitting and inspection of a private sewage disposal system when, in the opinion of the health officer, the system presents unique and special circumstances justifying a reduction of the permit and inspection fee due to the modified nature of the proposed system and the resulting substantial reduction in time and manpower committed by the health department to the permit issuance and system inspection process.
- C. Any appeal of the denial of the issuance of a permit for an individual or private sewage disposal system pursuant to [Chapter 8.32](#) shall be accompanied by a filing fee in the amount of twenty dollars (\$20.00).
- D. The Porter County health officer by and through the Porter County health department shall make a charge of sixty dollars (\$60.00) for each inspection of an individual or private sewage disposal system as such may from time to time be requested by financial institutions and lending agencies in connection with a loan approval.
- E. Each permit issued by the Porter County health officer for an individual or private sewage disposal system as above described shall be valid for two calendar years after its issuance, after which expiration of time the permit shall lapse and expire.

(Ord. 96-26 § 1: Ord. 95-6 § 1)

#### **8.04.020 Food service establishment permit—Fee.**

- A. The Porter County health officer, by and through the Porter County health department, is authorized to and shall collect a fee in the amount of two hundred twenty dollars (\$220.00) for the issuance of a food service establishment permit. Any food service establishment permit fee which is not paid as of the due date established for such payment by the Porter County health department shall be deemed delinquent and a penalty of fifty dollars (\$50.00) shall be added to the permit fee. Any food service establishment permit fee which is unpaid for more than thirty (30) days following the due date established for such payment by the Porter County health department shall have an additional sum of fifty dollars (\$50.00) (for a total penalty of one hundred dollars (\$100.00) added to the permit fee). The Porter County health department shall establish the annual due date for the food service establishment permit.
- B. The Porter County health officer, by and through the Porter County health department, is authorized to and shall collect a fee in the amount of one hundred thirty dollars (\$130.00) for the issuance of a "partial" food service establishment permit. A "partial" food service establishment permit shall be

issued to those food service establishments operating for six months or less during any calendar year. Any "partial" food service establishment permit fee which is not paid as of the due date established for such payment by the Porter County health department shall be deemed delinquent and a penalty of twenty-five dollars (\$25.00) shall be added to the permit fee. Any "partial" food service establishment permit fee which is unpaid for more than thirty (30) days following the due date established for such payment by the Porter County health department shall have an additional sum of twenty-five dollars (\$25.00) (for a total penalty of fifty dollars (\$50.00)) added to the permit fee. The Porter County health department shall establish the due date for any "partial" food service establishment permit.

- C. The Porter County health officer, by and through the Porter County health department, is authorized to and shall collect a fee in the amount of fifty dollars (\$50.00) for the issuance of a "limited" food service establishment permit. A "limited" food service establishment permit shall be issued to those food service establishments operating without a full service kitchen and limiting sales to pre-packaged food. Any "limited" food service establishment permit fee which is not paid as of the due date established for such payment by the Porter County health department shall be deemed delinquent and a penalty of twelve dollars and fifty cents (\$12.50) shall be added to the permit fee. Any "limited" food service establishment permit fee which remains unpaid for more than thirty (30) days following the due date established for such payment by the Porter County health department shall have the additional sum of twelve dollars and fifty cents (\$12.50) (for a total penalty of twenty-five dollars (\$25.00)) added to the permit fee. The Porter County health department shall establish the annual due date for the "limited" food service establishment permit.
- D. The Porter County health officer, by and through the Porter County health department, is authorized to and shall collect a fee in the amount of ten dollars (\$10.00) per day up to and including a maximum fee of seventy dollars (\$70.00) for the issuance of a temporary food service establishment permit. Any temporary food service establishment permit fee which is not paid as of the due date established for such payment by the Porter County health department shall be deemed delinquent and if paid after the delinquent date, the temporary food service establishment permit fee shall increase to fifteen dollars (\$15.00) per day up to and including a maximum fee of one hundred five dollars (\$105.00). Any organization that is exempt pursuant to I.C. 16-42-5-4 shall not be required to pay the temporary food service establishment fee established herein but shall still be required to secure a permit and shall operate its food service establishment pursuant to any and all federal, state or local rules and regulations.

(Ord. 99-22 § 1: Ord. 98-26 § 1: Ord. 96-26 § 2: Ord. 95-6 § 2)

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

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

A.	\$6.
Standard birth certificate	00

B. Wal let birt h ce rtifi cate	\$10 .00
C. Co mbi nati on stan dar d/w allet birt h cert ifica te	\$15 .00
D. Dea th cert ifica te	\$9. 00
E. Pat erni ty of affi davi t	\$25 .00
F.	\$25

Affi davi t of am end me nt	.00
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The Porter County health officer, by and through the Porter County health department is authorized and directed to collect a fee of two dollars (\$2.00) per each genealogical research request.

(Ord. 07-10 § 1: Ord. 02-05 § 1: Ord. 96-26 § 3: Ord. 95-6 § 3)

(Ord. No. 13-03, § 1, 4-2-2013)

**Editor's note—**

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

**8.04.040 Well permit—Fee.**

The Porter County health officer by and through the Porter County is authorized and directed to collect a fee of twenty-five dollars (\$25.00) for the issuance of a well permit under the provisions of Section 18.08.020A.

(Ord. 96-26 § 4: Ord. 95-6 § 4)

**8.04.041 Adult immunization and tuberculosis screening programs—Fee.**

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

(Ord. 00-5 § 1)

**8.04.042 Food service—Fee.**

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

Und er	\$ 50.
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3,000 square feet	00
3,000 to 10,000 square feet	100 .00
More than 10,000 square feet	200 .00

(Ord. 05-19 § 1)

**8.04.050 Deposit of collected fees.**

All fees collected under the terms of this chapter shall be deposited in the Porter County health fund.

(Ord. 96-26 § 5: Ord. 95-6 § 5)

**Chapter 8.08 RETAIL FOOD STORES**

**Sections:**

[8.08.010 Definitions.](#)

[8.08.020 Permit/license.](#)

[8.08.030 Minimum sanitation requirements for retail food stores.](#)

[8.08.040 Sale, examination and condemnation of unwholesome, adulterated or misbranded food.](#)

[8.08.050 Disease control.](#)

[8.08.060 Inspection of retail food stores—Revocation and suspension of permit.](#)

[8.08.070 Approval of plans.](#)

[8.08.080 Violations—Penalties.](#)

### **8.08.010 Definitions.**

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

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

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

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

"Person" means but is not limited to, any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate or municipality, or his or its legal representative or agent.

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

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

"Utensil" includes all containers, or any equipment of any kind or nature with which food comes in contact after delivery to a retail food store, during storage, preparation, processing, display or sale.

(Ord. 96-49 § 1)

### **8.08.020 Permit/license.**

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

A separate permit/license shall be required for each retail food store operated or to be operated by any person. A permit/license issued under this ordinance is not transferable.

A permit/license shall be issued to any person on application after inspection and approval by the health officer; provided, that the retail food store complies with all applicable provisions of this ordinance.

No permit/license or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

B. Permit/License Fee. It is unlawful for any person to operate a retail food store in Porter County who does not possess a valid permit/license for the operation of such establishment. Except as otherwise provided herein, the permit/license shall be for a term of one year beginning January 1st and expiring December 31st of the same year and shall be renewed annually. The Porter County health department shall establish the due date for payment of the fee. Late or delinquent fee payment shall be penalized as contained herein. There shall be a permit/license fee charged by the Porter County health department as follows:

	Full Yea r	Late Fee
Ret ail foo d stor es em ploy ing less tha n 25 peo ple	\$ 55. 00	\$ 12. 50
Ret ail foo d stor es em ploy ing 26 to 50	110 .00	25. 00



peo ple		
Ret ail foo d stor es em ploy ing 50 or mor e peo ple	220 .00	50. 00

	Part ial Yea r	Late Fee
Ret ail foo d stor es	\$ 30. 00	\$ 12. 50

em ploy ing less tha n 25 peo ple		
Ret ail foo d stor es em ploy ing 26 to 50 peo ple	65. 00	25. 00
Ret ail foo d stor es em ploy ing 50 or mor e peo ple	130 .00	50. 00

Food stores operating less than six months in any calendar year shall be eligible for the "partial year" permit. The Porter County health department shall establish the deadlines for application for all retail food store permits

- C. Permit/License and Permit/License Fee Exemption. Mobile retail food store owned by a person operating a retail food store which is licensed under the provisions of this chapter, and possessing a valid permit from the health officer to operate such a retail food store, shall be exempt from the provisions of subsection B of this section.

Individuals operating fruit and vegetable stands on their own property, selling produce raised on their own property, are exempt from subsection B of this section.

(Ord. 99-21 § 1; Ord. 96-49 § 2)

#### **8.08.030 Minimum sanitation requirements for retail food stores.**

All retail food stores shall comply with the minimum sanitation requirements specified by the Indiana State Board of Health as now provided in 410 IAC 7-6.1 or as the same may be hereafter changed or amended. Such regulation and any changes and amendments thereto which may be hereafter adopted or promulgated are by reference incorporated herein and made part hereof, two copies of which are on file in the office of the Porter County, for public inspection.

(Ord. 96-49 § 3)

#### **8.08.040 Sale, examination and condemnation of unwholesome, adulterated or misbranded food.**

It is unlawful for any person to sell through a retail food store any food which is unwholesome, adulterated or misbranded.

Samples of food may be taken and examined by the health officer as often as may be necessary to determine freedom from contamination, adulteration or misbranding. The health officer may impound and forbid the sale of any food which is unwholesome, adulterated or misbranded, or which he has probable cause to believe is unfit for human consumption, unwholesome, adulterated or misbranded; provided, that in the case of misbranding which can be corrected by proper labeling, such food may be released to the operator for correct labeling under the supervision of the health officer. The health officer may also cause to be removed or destroyed any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit or other perishable articles which in his opinion are unsound, or contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

(Ord. 96-49 § 4)

#### **8.08.050 Disease control.**

- A. Disease Control. No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any retail food store, and no retail food store shall employ any such person or any person believed to be affected with any disease in a communicable form or of being a carrier of such disease. If the retail food store manager has reason to believe that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the health officer immediately.

- B. Procedure When Infection Indicated. When the health officer has reason to believe there exists possibility of transmission of infection from any retail food store employee, the health officer is authorized to require any and all of the following measures:
1. The immediate exclusion of the employee from all food markets;
  2. The immediate closing of the retail food store concerned until no further danger of disease outbreak exists in the opinion of the health officer;
  3. Adequate medical examination of the employee and of his associates with such laboratory examinations as may be indicated.

(Ord. 96-49 § 5)

#### **8.08.060 Inspection of retail food stores—Revocation and suspension of permit.**

- A. Frequency of Inspection. At least twice each year the health officer shall inspect each retail food store for which a permit is required under the provisions of this chapter.
- B. Authority to Inspect and to Copy Records. The person operating the retail food store shall, upon the request of the health officer, permit such health officer or his authorized representative access to all parts of such retail food store and shall permit the health officer or his authorized representative to collect evidence and/or exhibits and to copy any and all records relative to the enforcement of this chapter.
- C. Final Inspection. Prosecution or Hearing for Violators. If upon a second and final inspection the health officer finds that such retail food store, person or employee is violating any of the provisions of this chapter which were in violation on the previous inspection, and concerning which a written order was issued, the health officer shall furnish evidence of the violation to the prosecutor having jurisdiction in the county in which the violation occurs, and he shall prosecute all persons violating the provisions of this chapter. Or the health officer may promptly issue a written order to the permittee of such retail food store to appear at a certain time, no later than ten days from the date of final inspection, and at a place in the county fixed in the order to show cause why the permit/license issued under the provisions of [Section 8.08.020\(A\)](#) should not be revoked.
- D. Revocation of Permit. The health officer upon such hearing if the permittee should fail to show cause, shall revoke the permit and promptly give written notice of such action to the permittee. The health officer shall maintain a permanent record of his proceedings filed in the office of the health department.
- E. Suspension of Permit. Any permit issued under this chapter may be temporarily suspended by the health officer without notice or hearing for a period of not to exceed thirty (30) days, for any of the following reasons:
1. Insanitary or other conditions which in the health officer's opinion endangers the public's health;
  2. Interference with the health officer or any of his authorized representatives in the performance of their duties; provided, however, that upon written application from the permittee, served upon the health officer within fifteen (15) days after such suspension, the health officer shall conduct a hearing upon the matter after giving at least five days' written notice of the time, place, and purpose thereof to the suspended permittee; provided further, that any such suspension order shall be issued by the health officer in writing and served upon the permittee by leaving a copy at his usual place of business or by delivery of registered or certified mail to such address.
- F. Reinstatement of Permit. Any person whose permit has been suspended may at any time make application to the local health officer for the reinstatement of his permit.

(Ord. 96-49 § 6)

### **8.08.070 Approval of plans.**

All retail food stores which are hereafter constructed or altered shall conform with the applicable requirements set forth in [Section 8.08.030](#). Properly prepared plans and specifications shall be submitted to and approved by the health officer as may be required before starting any work.

(Ord. 96-49 § 7)

### **8.08.080 Violations—Penalties.**

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor. On conviction the violator shall be punished for the first offense by a fine of not more than five hundred dollars (\$500.00); for the second offense by a fine of not more than one thousand dollars (\$1,000.00); and for a third offense and each subsequent offense by a fine of not more than two thousand five hundred dollars (\$2,500.00). Each day of operation of a retail food store in violation of [Section 8.08.020\(A\)](#) or after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the health officer shall constitute a distinct and separate offense.

(Ord. 96-49 § 8)

## **Chapter 8.10 FOOD SERVICE ESTABLISHMENTS**

### **Sections:**

[8.10.010 Definitions.](#)

[8.10.020 Permit/license.](#)

[8.10.030 Minimum sanitary requirements for all food service establishments.](#)

[8.10.040 Sale, examination and condemnation of unwholesome, adulterated or misbranded food.](#)

[8.10.050 Disease control.](#)

[8.10.060 Inspection of food service establishments.](#)

[8.10.070 Approval of plans.](#)

[8.10.080 Penalties—Violations.](#)

### **8.10.010 Definitions.**

The definitions contained in 410 IAC 7-15.1 (as amended) are adopted herein and made a part hereof. The following additional definitions shall apply in the interpretation and enforcement of this chapter:

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

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

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

"Limited food service establishment" means any establishment or section of an establishment operating without a full service kitchen and limiting sales to prepackaged food.

"Person" means, but is not limited to, any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, or municipality, or his or its legal representative or agent.

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

"Seasonal food service establishment" means any establishment or section of an establishment operating for a continuous period of six months or less during any calendar year.

"Utensil" means and includes all containers, or any equipment of any kind or nature with which food comes in contact after delivery to a food service establishment, during storage, preparation, processing, display or sale.

(Ord. 99-16 § 1)

#### **8.10.020 Permit/license.**

- A. It is unlawful for any person to operate any type of food service establishment in Porter County, without possessing a valid permit/license issued by the Porter County health officer. Such permit/license shall be posted in a conspicuous place in the food service establishment. Only persons who comply with the applicable requirements of this chapter shall be entitled to receive and retain such a permit/license. The permit/license for a full service food service establishment and a limited food service establishment shall be for a term of one year beginning January 1st and expiring December 31st of the same year and shall be renewed annually. The permit/license for a seasonal food service establishment shall be for a term not to exceed six continuous months during any calendar year. The permit/license for a temporary food service establishment shall be for a period of time not more than fourteen (14) consecutive days in conjunction with a single event or celebration. Any permit/license issued by the health officer shall contain the name and address of the person to whom the permit is granted, the address of the premises for which the same is issued, and such pertinent data as may be required by the health officer.
- B. A separate food service establishment permit shall be required for each food service establishment operated or to be operated by any person. A permit/license issued under this chapter is not transferable.
- C. A permit/license shall be issued to any person on application after inspection and approval by the health officer; provided, that the food service establishment complies with all applicable provisions of this chapter.
- D. No permit/license or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

(Ord. 99-16 § 2)

#### **8.10.030 Minimum sanitary requirements for all food service establishments.**

All food service establishments shall comply with the minimum sanitary requirements specified by the Indiana state board of health as now provided in 410 IAC 7-15.1 and 410 IAC 7-22 or as the same may be hereafter changed or amended. Such regulation and any changes and amendments thereto which may be hereafter adopted or promulgated are by reference incorporated herein and made a part hereof, two copies of which are on file in the office of the Porter County health department, for public inspection.

(Ord. 04-24 § 1: Ord. 99-16 § 3)

#### **8.10.040 Sale, examination and condemnation of unwholesome, adulterated or misbranded food.**

- A. It is unlawful for any person to sell through any food service establishment, any food which is unwholesome, adulterated or misbranded.
- B. Samples of food may be taken and examined by the health officer as often as may be necessary to determine freedom from contamination, adulteration or misbranding. The health officer may impound and forbid the sale of any food which is unwholesome, adulterated or misbranded, or which he has probable cause to believe is unfit for human consumption, unwholesome, adulterated or misbranded; provided, that in the case of misbranding which can be corrected by proper labeling, such food may be released to the operator for correct labelling under the supervision of the health officer. The health officer may also cause to be removed or destroyed any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit or other perishable articles which in his opinion are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

(Ord. 99-16 § 4)

#### **8.10.050 Disease control.**

- A. Disease Control. No person who is affected by any disease in a communicable form or is a carrier of such disease shall work in any food service establishment and no food service establishment shall employ such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If a food service establishment suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, the food service establishment shall immediately notify the Porter County health officer.
- B. Procedure When Infection Indicated. When suspicion arises as to the possibility of transmission of infection from any food service establishment employee, the health officer is authorized to require any or all of the following measures:
  - 1. The immediate exclusion of the employee from the food service establishment;
  - 2. The immediate closing of the food service establishment until no further danger of disease outbreak exists;
  - 3. Adequate medical examinations of the employee and the employee's associates, with such laboratory examinations as may be indicated.

(Ord. 99-16 § 5)

#### **8.10.060 Inspection of food service establishments.**

- A. Frequency of Inspection. The Porter County health officer shall establish a schedule for the inspection of all food service establishments and in so doing shall make every reasonable effort to inspect full food service establishments at least twice each year.
- B. Authority To Inspect and To Copy Records. The person operating any food service establishment shall, upon the request of the health officer, permit such health officer or his authorized representative access to all parts of the food service establishment and shall permit the health officer or his authorized representative to collect evidence and/or exhibits and to copy any and all records relative to the enforcement of this chapter.
- C. Final Inspection—Prosecution or Hearing for Violators. If upon a second and final inspection, the health officer finds that any food service establishment, person, or employee is violating any of the provisions of this chapter which were in violation on the previous inspection, and concerning which a written order was issued, the health officer shall furnish evidence of the violation to the prosecutor

having jurisdiction in the county in which the violation occurs, and he shall prosecute all persons violating said provisions of this chapter. Or the health officer may promptly issue a written order to the permittee of any such food service establishment to appear at a certain time, no later than ten days from the date of the final inspection, and at a place in said county fixed in said order to show cause why the permit/license issued under the provisions of this chapter should not be revoked.

- D. Revocation of Permit. The health officer upon such hearing if the permittee should fail to show cause, shall revoke said permit and promptly give written notice of such action to the permittee. The health officer shall maintain a permanent record of his proceedings filed in the office of the and shall be authorized to seek judicial relief should the permittee continue to operate as a food service establishment after revocation of the permit.
- E. Suspension of Permit. Any permit issued under this chapter may be temporarily suspended by the health officer without notice or hearing for a period not to exceed thirty (30) days, for any of the following reasons:
  - 1. Unsanitary or other conditions which in the health officer's opinion create an immediately, clear and present endangerment to the public's health and welfare;
  - 2. Interference with the health officer or any of his authorized representatives in the performance of their duties; provided, however, that upon written application from the permittee, served upon the health officer within fifteen (15) days after such suspension, the health officer shall conduct a hearing upon the matter after giving at least five days' written notice of the time, place, and purpose thereof to the suspended permittee; provided further, that any such suspension order shall be issued by the health officer in writing and served upon the permittee by leaving a copy at his usual place of business or by delivery of registered or certified mail to such address. The Porter County health officer shall be empowered to seek judicial relief should a permittee continue to operate a food service establishment while its permit is suspended.
- F. Reinstatement of Permit. Any person whose permit has been suspended or revoked may at any time make application to the local health officer for the reinstatement of his permit.

(Ord. 99-16 § 6)

#### **8.10.070 Approval of plans.**

All food service establishments which are hereafter constructed or altered shall conform to the applicable requirements set forth in this chapter. Properly prepared plans and specifications shall be submitted to and approved by the health officer prior to construction, alteration or modification of any food service establishment.

(Ord. 99-16 § 7)

#### **8.10.080 Penalties—Violations.**

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor. On conviction, the violator shall be punished for the first offense by a fine of not more than five hundred dollars (\$500.00); for the second offense, by a fine of not more than one thousand dollars (\$1,000.00); and for a third offense and each subsequent offense, by a fine of not more than two thousand five hundred dollars (\$2,500.00). Each day of operation of any food service establishment in violation of [Section 8.10.020\(A\)](#) of this chapter or after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the health officer shall constitute a distinct and separate offense.

(Ord. 99-16 § 8)



## **Chapter 8.12 GARBAGE AND REFUSE DUMPING**

### **Sections:**

[8.12.010 Definitions.](#)

[8.12.020 Dumping unlawful.](#)

[8.12.030 Violation—Penalty.](#)

[8.12.040 Enforcement.](#)

### **8.12.010 Definitions.**

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

"Drainageway" means any channel that is open or artificial; and is open or tiled; and is rural or urban; and carries surplus water.

"Easement" means any easement of record for any street, highway or drainageway.

"Refuse" means solid and semi-solid waste, dead animals, offal, appliances, building materials, tires, scrap metal, furniture, trees, concrete, earthen spoil, auto parts, house furnishings, trash, debris or other similar material. This list is not intended to be an exclusive list, but is intended to give notice of the general types of debris which is prohibited.

(Ord. 95-13 § 2)

### **8.12.020 Dumping unlawful.**

It is unlawful for any person to place or dump garbage, trash or other waste materials upon any public or private property excepting on public dumps established under the authority of the board of commissioners; provided, however, that nothing in this section shall be construed to prohibit dumping or depositing of dirt, sand and gravel, free of all garbage, combustible and noncombustible rubbish, upon any privately owned property, at the request of the owner, for the purpose of properly elevating the grade of such property or the unimproved part of such property.

Any person who recklessly, knowingly or intentionally places or leaves refuse on property of another, or in, about, along or upon any streets, highways, drainageways or easements, or any grounds designated as a county park within the limits of the unincorporated areas of the county, commits dumping.

(Ord. 95-13 § 1)

### **8.12.030 Violation—Penalty.**

Any person that violates any provision of this chapter shall be guilty of an infraction, and on conviction, the violators shall be punished for the first offense by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00); for the second offense by a fine of not less than one thousand dollars (\$1,000.00) nor more than two thousand five hundred dollars (\$2,500.00); and for the third and each subsequent offense by a fine of not more than two thousand five hundred dollars (\$2,500.00), and each day after the expiration of the time limit for abating the condition.

(Ord. 95-13 § 3)

### **8.12.040 Enforcement.**

- A. Enforcement of this chapter shall be by the Porter County sheriff's police.
- B. It shall be the duty of the Porter County prosecuting attorney, to whom the Porter County sheriff's police shall report any violations of the provision of this chapter, to cause proceedings to be commenced against the person violating the provisions of this chapter and to prosecute to final termination.

(Ord. 95-13 § 4)

## **Chapter 8.16 911 EMERGENCY TELEPHONE SYSTEM [\[1\]](#)**

### **Sections:**

[8.16.010 System adopted.](#)

[8.16.020 Monthly service fee.](#)

[8.16.030 Use of fee.](#)

[8.16.040 Reserved.](#)

[8.16.050 Statewide 911 fund.](#)

[8.16.060 Creation of an E-911 policy board.](#)

[8.16.070 Creation of an E-911 advisory board.](#)

[8.16.080 Repeal of other ordinances.](#)

### **8.16.010 System adopted.**

The board of commissioners adopts an E-911 system to send automatic number identification and automatic location identification for reporting fire, police, medical and other emergency situations.

The aforesaid E-911 system shall be adopted for the benefit of all incorporated and unincorporated areas within Porter County which are not already served by a presently existing E-911 system.

The enhanced emergency telephone system funded by the fee imposed pursuant to I.C. 36-8-16.7 shall consist of a minimum of one primary public safety answering point located at the Porter County sheriff's department.

(Ord. 03-12 § 1)

(Ord. No. 12-20, § 1, 6-19-2012)

### **8.16.020 Monthly service fee.**

A monthly service fee per telephone access line will be collected by the service supplier to pay for expenses listed in [Section] [8.16.030](#). The fee shall be established at a rate determined by the statewide 911 board and will be assessed against all access lines of telephone subscribers in the service area covered by the E-911 system.

(Ord. 03-12 § 2; Ord. 91-14 § 3)

(Ord. No. 12-20, § 2, 6-19-2012)

### **8.16.030 Use of fee.**

The emergency telephone system fees shall be used only to pay for those expenditures set forth at I.C. 36-8-16.7. The Porter County board of commissioners may appropriate the money in the fund for such expenditures at their discretion. The fees from the emergency telephone system shall be used only to pay for:

- A. The lease, purchase, or maintenance of communications service equipment.
- B. Necessary system hardware and software and database equipment.
- C. Personnel expenses, including wages, benefits, training, and continuing education, only to the extent reasonable and necessary for the provision and maintenance of:
  1. The statewide 911 system; or
  2. A wireline enhanced emergency telephone system funded under I.C. 36-8-16 (before its repeal on July 1, 2012).
- D. Operational costs, including costs associated with:
  1. Utilities;
  2. Maintenance;
  3. Equipment designed to provide backup power or system redundancy, including generators; and
  4. Call logging equipment.
- E. An emergency notification system that is approved by the board under Section 40 of I.C. 36-8-16.7.
- F. Connectivity to the Indiana Data and Communications System (IDACS).
- G. Rates associated with communications service providers' enhanced emergency communications system network services.
- H. Mobile radio equipment used by first responders, other than radio equipment purchased under subsection (I) as a result of the narrow banding requirements specified by the Federal Communications Commission.
- I. Up to fifty (50) percent of the costs associated with the narrow banding or replacement of radios or other equipment as a result of the narrow banding requirements specified by the Federal Communications Commission.

(Ord. 03-12 § 3)

(Ord. No. 12-20, § 3, 6-19-2012)

### **8.16.040 Reserved.**

#### **Editor's note—**

Ord. No. 12-20, [§ 4](#), adopted June 19, 2012, repealed [§ 8.16.040](#), which pertained to service user fees and delinquent fees and derived from Ord. 03-12, [§ 4](#)

### **8.16.050 Statewide 911 fund.**

The Porter County auditor shall deposit the remitted fees in a separate existing fund now known as statewide 911 fund, consistent with I.C. 36-8-16.7. The county treasurer may invest money in the fund in

the same manner that other moneys of the county may be invested but, the income earned from the investment must be deposited in the statewide 911 fund.

(Ord. 03-12 § 5)

(Ord. No. 12-20, § 5, 6-19-2012)

#### **8.16.060 Creation of an E-911 policy board.**

An E-911 policy board is hereby created. The policy board will consist of fifteen (15) members who will be appointed annually by the Porter County board of commissioners as follows:

- A. The president of the Porter County board of commissioners;
- B. The president of the Porter County council;
- C. The Porter County sheriff or his designee;
- D. The director of E-911;
- E. A supervisor of E-911;
- F. A T/C representative from E-911 selected by the E-911 director and supervisors;
- G. The fire chief of Valparaiso;
- H. The fire chief of Portage;
- I. Two fire chiefs selected upon recommendation of the Porter County fire association;
- J. The police chief of Valparaiso;
- K. The police chief of Portage;
- L. Two police chiefs, one from northern and one from southern Porter County, rotated on a two-year basis from volunteers for the position. In the event that there are no volunteers, selection will be made by the advisory board.
- M. The director of the emergency medical services.

The policy board shall undertake the responsibility of reviewing and discussing major policies and procedures and recommending changes to the advisory board for approval.

(Ord. No. 11-07, § 1, 5-17-2011)

#### **8.16.070 Creation of an E-911 advisory board.**

An E-911 advisory board is hereby created. The E-911 advisory board will consist of the chiefs/executives from all member agencies who will meet routinely (at least quarterly) to review and approve for recommendations to the Porter County board of commissioners the following: planning, documents, budgets, large expenditures, employment policies—such as hiring or promotion standards, and operational issues including technology or personnel performance problems.

This board is advisory and may provide the Porter County board of commissioners and the director with recommendations to move the E-911 center forward.

(Ord. No. 11-07, § 2, 5-17-2011)

#### **8.16.080 Repeal of other ordinances.**

Through the passage of Ordinance 12-20, Ordinance No. 03-12 and Ordinance No. 91-14 are hereby repealed.

(Ord. No. 12-20, § 6, 6-19-2012)

**Editor's note—**

Ord. No. 12-20, [§ 6](#), adopted June 19, 2012, set out provisions adding [§ 8.16.060](#). To maintain §§ [8.16.060](#) and [8.16.070](#) as added by Ord. No. 11-07, and at the editor's discretion, these provisions have been included as [§ 8.16.080](#)

FOOTNOTE(S):

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Prior ordinance history: Ord. 91-14. ([Back](#))

## **Chapter 8.18 AUTOMATIC AND MANUAL ALARM SYSTEMS**

**Sections:**

[8.18.010 Definitions.](#)

[8.18.020 Removal of alarm monitoring systems.](#)

[8.18.030 Contact provisions.](#)

[8.18.040 Automatic telephone dialing devices prohibited.](#)

[8.18.050 False alarms—Notice of fines.](#)

### **8.18.010 Definitions.**

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

"Alarm system" means any device, silent or audible, which is designed to be actuated manually or automatically upon the detection of an unauthorized entry, intrusion, fire, or other emergency, or premises, which when activated leads to notifications being made directly or indirectly to the Porter County sheriff's 911 communications center or to any agency for which the Porter County sheriff's 911 communications center serves as dispatcher.

An alarm system shall not include:

1. An alarm system installed on a motor vehicle; provided however, that such an alarm system shall be required to comply with the requirements contained in [Section 8.18.040](#)
2. A medical alarm system;
3. An alarm system installed upon premises occupied by the United States, the state of Indiana, or any political subdivision thereof.

"Automatic telephone dialing device" means any device connected to an alarm system which when activated automatically dials a predetermined telephone number and sends a prerecorded message or coded signal.

"Knox-box type system" means an alarm system that as a standard feature provides a fire proof safe that is installed outside of a building, structure, or other facility and which permits the responding agency to have access to the fire proof safe which contains information about the facility, its contents, and the alarm system.

"Person" means and includes individuals, firms, corporations, associations, partnerships, consortium, joint ventures, estates, and any other legal entity, group or organization.

"False alarms" means any signal request or similar event, the purpose of which is to summon the police or fire department assistance, but which is not in response to actual or threatened emergency or criminal activity.

"False alarms" include any communications, either directly or indirectly, to the police or fire department either by a central station, intermediary, or signal device, which is in response to a signal or warning issued intentionally or accidentally; negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning, or improperly activated to alert or summon the police or fire department.

"False alarms" shall not include alarms activated by unusually severe weather conditions or other natural causes.

(Ord. 97-26 § 1)

#### **8.18.020 Removal of alarm monitoring systems.**

All personal and private alarm monitoring systems, except those mandated to be monitored by government under Federal law shall be removed from all Porter County facilities on or before September 1, 1997.

(Ord. 97-26 § 2)

#### **8.18.030 Contact provisions.**

All alarms users will be required to submit three contact persons as keyholders to the Porter County sheriff's department for the purpose of police and fire responders.

(Ord. 97-26 § 3)

#### **8.18.040 Automatic telephone dialing devices prohibited.**

- A. It is unlawful to use or install or permit the use or installation of any automatic telephone dialing device which is programmed to dial 911, the Porter County sheriff's 911 communications center or any agency for which the Porter County sheriff's 911 communications center serves as dispatcher.
- B. Any existing automatic telephone dialing device must be disconnected or programmed to any other consenting party on or before September 1, 1997.
- C. The director of Porter County's E911 may waive the restrictions in subsection A of this section and permit an automatic telephone dialing device on alarm systems that have a Knox-box type. If a Knox-box type system is approved by the director and installed, the automatic telephone dialing device must be programmed to dial the number provided by the Porter County sheriff's police department. No such system shall be programmed to dial 911.

- D. Any person violating this section shall be subject to a fine of five hundred dollars (\$500.00) for each incident in which the automatic telephone dialing device dials 911 or the Porter County sheriff's 911 communicationscenter.

(Ord. 97-26 § 4)

#### **8.18.050 False alarms—Notice of fines.**

- A. Any alarm user who has false alarms on more than four occasions in any twelve (12) month period shall be fined no less than fifty dollars (\$50.00) and no more than five hundred dollars (\$500.00) for each false alarm in excess of four occurring within a twelve (12) month period.
- B. A fine shall be due and payable by the alarm user within thirty (30) days after written notice from the Porter County sheriff of the violation. In the event that such alarm user does not pay his fine as assessed, the county may also take appropriate legal action to enforce the collection of such fine and the alarm user shall be liable to the county for all court costs and attorney's fees necessary to collect such fines in addition thereto, the county shall be permitted to seek injunctive relief.
- C. Each provision of the ordinance codified in this chapter shall be construed as separate to the endthat if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

(Ord. 97-26 § 5)

### **Chapter 8.20 NOISE CONTROL**

#### **Sections:**

#### [8.20.010 Animal noise—Nuisance.](#)

#### **8.20.010 Animal noise—Nuisance.**

- A. Any animal which shall cause serious annoyance or disturbance to a neighborhood or the residents therein by its loud, frequent, habitual or continual barking, howling, yelping or any other noise is declared to be a nuisance. It is unlawful for any person or persons to keep any such animal within the unincorporated areas of Porter County.
- B. Enforcement. This section shall be enforced by the Porter County sheriff's police department.
- C. Violations and Penalties.
  - 1. Any person violating the provisions of this section shall be fined fifty dollars (\$50.00) for each violation. Each day such violation is committed or permitted to continue shall constitute a separate cause of action and shall be punishable as set forth herein.
  - 2. Pursuant to this section, the Porter County animal shelter is authorized to seize and detain any animal which is the subject of this section if so requested by the Porter County sheriff's police department subsequent to the issuance of a citation for a violation of this section.
  - 3. If an animal is seized as a result of a violation of this section, the owner is responsible to reimburse the Porter County animal shelter for the costs incurred for the seizure and detentionof the animal until it is reclaimed by its owner.

(Ord. 97-2 §§ 1—3)

## **Chapter 8.24 SANITARY LANDFILLS AND SOLID WASTE DISPOSAL FACILITIES**

### **Sections:**

[8.24.010 Compliance with chapter— Administration of provisions.](#)

[8.24.020 Compliance with state provisions—Exceptions.](#)

[8.24.030 Operating permit required— Application—Suspension revocation.](#)

[8.24.040 Appeals.](#)

[8.24.050 Cubic yard fee assessment— Local solid waste management fund.](#)

[8.24.060 Violation—Penalty.](#)

### **8.24.010 Compliance with chapter— Administration of provisions.**

The owner and/or operator of any sanitary landfill or solid waste land disposal facility located in the county of Porter, state of Indiana, shall operate such facility in compliance with the terms and conditions contained in this chapter.

The Porter County board of health by and through its health officer and staff shall administer the terms and conditions of this chapter.

(Ord. 89-16 § 1)

### **8.24.020 Compliance with state provisions—Exceptions.**

- A. Except as specifically delineated in this chapter, any sanitary landfill or solid waste land disposal facility located in Porter County shall be operated in compliance with the technical criteria and regulatory scheme contained in the State of Indiana Solid Waste Management Regulations as set forth in 329 IAC 2.
- B. The following exceptions to 329 IAC 2 shall apply to the operation of sanitary landfills and solid waste land disposal facilities in Porter County:

1. 329 IAC 2-1-3(b) shall be modified to read as follows:

All records of monitoring activities and results shall be retained by the permittee for fifteen (15) years. The fifteen (15) year period shall be extended automatically during the course of any unresolved litigation between the County of Porter and a permittee; or as required by the permit conditions. The fifteen (15) year period may also be extended by order of the Porter County health officer.

2. 329 IAC 2-4-2 shall be modified to read as follows:

No person shall cause or allow the storage, containment, processing, or disposal of solid waste in a manner which creates a threat to human health or the environment, including the creating of a fire hazard, vector attraction, air or ground and surface water pollution or contamination.

3. 329 IAC 2-4-4(a) shall be modified to read as follows:

The owner of real estate upon which an open dump is located shall be responsible for immediately implementing procedures for correcting and controlling any nuisance condition which may occur as the result of the open dump and shall complete that correction and controlling action pursuant to a



schedule submitted to and approved by the Porter County health officer.

4. 329 IAC 2-4-5 shall be modified to read as follows:

The owner of real estate upon which is located an open dump shall be responsible for immediately eliminating any threat to human health or the environment.

5. 329 IAC 2-5-1(b) shall be modified to read as follows:

In order to continue such activity beyond September 1, 1989, these industries shall submit information to the Porter County in compliance with [Section 2](#) of this Rule (329 IAC 2-5-2). Compliance with [Section 2](#) shall constitute an interim permit and shall allow the facility to continue operating until such time as the Porter County health officer issues or denies a solid waste facility permit under [Section 3](#) of this Rule (329 IAC 2-5-3) provided that such industries have submitted the information required no later than thirty (30) days prior to September 1, 1989.

6. 329 IAC 2-6-2(b) shall be modified to read as follows:

All owners or operators (present or past) of a closed facility or the owner of real estate upon which a closed facility is located or any former owner of the real estate providing such ownership interest coincided with the operation of a facility shall be responsible for correcting and controlling any nuisance condition occurring at the facility. Such owners or operators shall be jointly and severally responsible for correcting and controlling such nuisance conditions.

7. 329 IAC 2-6-3 shall be modified to read as follows:

All owners or operators (present or past) of a closed facility or the owner of real estate upon which a closed facility is located or any former owner of the real estate providing such ownership interest coincided with the operation of a facility shall be responsible for eliminating any threat to human health or the environment. Such owners or operators shall be jointly and severally responsible for correcting and controlling such conditions.

8. 329 IAC 2-9-4(2)(e) shall be modified to read follows:

Other nonapparent deminimus quantities of free liquids as authorized by the Porter County health officer where it has been determined that the disposal of such liquids will not create a threat to human health or the environment.

9. 329 IAC 2-13-2(a) shall be modified to add a new sub (5) as follows:

(5) Install appropriate devices for the management of methane gas at the facility.

10. 329 IAC 2-15-7(a)(2) shall be modified to read as follows:

Inspection of the facility at least four (4) times per year with a written report on the condition of the facility to be submitted to the Porter County health officer within thirty (30) days of such inspection.

11. Any and all references contained in 329 IAC 2 to the "Commissioner" shall be modified to read the "Porter County health officer."

12. Any and all survey requirements contained in 329 IAC 2 of less than one-half mile shall be amended to read that the area covered shall be one-half mile from the boundary line of the sanitary landfill or solid waste land disposal facility.

(Ord. 89-16 § 2)

#### **8.24.030 Operating permit required— Application—Suspension revocation.**

Any owner and/or operator of a sanitary landfill and/or solid waste land disposal facility required to obtain an operating permit pursuant to 329 IAC 2 shall also be required to file a duplicate of the

application required under 329 IAC 2-5-1 and 329 IAC 2-8-2 with the Porter County health officer. The Porter County health officer and the staff of the shall review such application and within forty-five (45) calendar days of receipt thereof decide whether or not to issue the applicant a local permit for operation of a sanitary landfill and/or solid waste land disposal facility.

The Porter County board of health shall promulgate such additional rules and procedures for review of permit applications as it may deem, from time to time, necessary and appropriate. Such additional rules and regulations to include reasonable opportunity for the public to review and comment on any permit application or renewal prior to the health officer's decision to grant or deny a permit issuance or renewal.

Operation of a sanitary landfill and/or solid waste land disposal facility in violation of any of the technical criteria contained in [Section 8.24.020](#) shall be grounds for suspension or revocation of a local operating permit. The Porter County board of health shall establish reasonable rules and regulations for implementing a procedure for suspension or revocation of local operating permits granted under this chapter.

The Porter County health officer shall charge a fee for processing all applications for sanitary landfill and/or solid waste land disposal facility permits under this chapter. Such permit fee shall be equivalent to the costs incurred by the health officer and the staff of the Porter County health department in reviewing and processing applications for the issuance of permits under this chapter. The Porter County board of health shall establish a procedure for documenting and identifying the costs associated with processing permits issued under this chapter. Such costs to include, but not necessarily limited to, the reimbursement to the county for the man-hours committed to the review and processing of an application as well as the costs associated with the retaining of any outside consultants or experts for purposes of reviewing permit applications.

All permit applications and applications for renewal of permits under the provisions of this chapter shall be accompanied with a certified or cashier's check in the amount of one thousand dollars (\$1,000.00). At the conclusion of the permit application review process, the Porter County health officer shall submit an itemized cost statement to the applicant for a permit or a renewal, and the applicant shall reimburse the county in a sum equivalent to the aforementioned itemized statement (minus a credit for the one thousand dollars (\$1,000.00) initial payment) within sixty (60) days of receipt thereof.

(Ord. 89-16 § 3)

#### **8.24.040 Appeals.**

The Porter County board of health shall serve as an appeals council for any permit applicant aggrieved by the decision of the Porter County health officer in any aspect of the health officer's implementation of the provisions of this chapter. The Porter County board of health shall implement a procedure for handling such appeals.

(Ord. 89-16 § 4)

#### **8.24.050 Cubic yard fee assessment— Local solid waste management fund.**

Every operator of a sanitary landfill and/or solid waste land disposal facility in Porter County shall be assessed a fee of twenty cents (\$.20) per cubic yard of solid waste deposited in their sanitary landfill and/or solid waste land disposal facility. The Porter County board of health shall implement reasonable rules and regulations for assuring compliance with the cubic yard fee assessment contained herein and shall be responsible for monitoring compliance with the payment of the fee.

All such fees collected hereunder shall be deposited in a cumulative nonreverting fund administered and managed by the Porter County treasurer. This fund shall be known as the Porter County local solid waste management fund.

Moneys contained in the fund may only be expended pursuant to an appropriation approved by the Porter County council pursuant to applicable Indiana State Statutes controlling the appropriation and expenditure process.

Moneys deposited in the Porter County local solid waste management fund shall first be appropriated by the Porter County council and expended by the Porter County board of health to pay the costs associated with the monitoring and regulating responsibilities required by this chapter.

The remainder of the funds contained in the Porter County local solid waste management fund shall be appropriated by the Porter County council and expended by the Porter County board of health pursuant to a program of grant funding to local units of government and private industry to promote, encourage and implement recycling activities and programs in Porter County. The Porter County board of health shall formulate guidelines for implementation of the recycling grant program.

(Ord. 89-16 § 5)

#### **8.24.060 Violation—Penalty.**

Violation of any of the provisions, terms or conditions of this chapter shall expose any owner and/or operator of a sanitary landfill and/or solid waste land disposal facility to a fine not to exceed the sum of five hundred dollars (\$500.00). Each day that a violation is allowed to continue shall be considered a separate and distinct violation of the terms and provisions of this chapter and shall expose the owners and/or operator of a sanitary landfill and/or solid waste land disposal facility to the five hundred dollar (\$500.00) fine provision.

(Ord. 89-16 § 6)

### **Chapter 8.28 SOLID WASTE PLANNING DISTRICT**

#### **Sections:**

[8.28.010 District created.](#)

[8.28.020 Board of directors.](#)

#### **8.28.010 District created.**

The Porter County board of commissioners does now establish and create the Porter County solid waste management district pursuant to I.C. 13-9.5-2-1(a)(2). The definitions contained in I.C. 13-9.5-1 are adopted herein as the definitions to be used in this chapter.

(Ord. 91-6 Art. I)

#### **8.28.020 Board of directors.**

The Porter County solid waste management district shall be governed by a board of directors pursuant to I.C. 13-9.5-2-4. The board of directors of the Porter County solid waste management district shall be appointed pursuant to I.C. 13-9.5-2-5. The term of office of the members of the board of directors of the Porter County solid waste management district shall be controlled by I.C. 13-9.5-2-8. The board of directors of the Porter County solid waste management district shall meet as deemed necessary to implement the board's responsibilities pursuant to I.C. 13-9.5. The board of directors of the Porter County solid waste management district shall organize themselves pursuant to I.C. 13-9.5-2-9.

(Ord. 91-16 Art. II)

## **Chapter 8.32 RESIDENTIAL SEWAGE DISPOSAL SYSTEMS**

### **Sections:**

[8.32.010 State provisions adopted by reference.](#)

[8.32.020 Rules and regulations—Promulgation authority.](#)

[8.32.030 Violation—Penalty.](#)

### **8.32.010 State provisions adopted by reference.**

All of the terms, conditions, definitions and construction and repair criteria contained in 410 IAC 6-8.1 are adopted and made a part of this chapter except to the extent that other terms and conditions of this chapter may dictate otherwise.

(Ord. 91-2 Art. I)

### **8.32.020 Rules and regulations—Promulgation authority.**

The Porter County board of health and its health officer are delegated the responsibility for establishing reasonable local rules and regulations for implementation of Rule 410 IAC 6-8.1 in Porter County, Indiana. All such local rules and regulations to be adopted herein and incorporated into this chapter as if set out in full.

(Ord. 91-2 Art. II)

### **8.32.030 Violation—Penalty.**

In addition to any and all other existing penalties and procedures available to the Porter County board of health, any violation of the provisions, terms or conditions of this chapter shall be punishable by a fine in an amount not to exceed two thousand five hundred dollars (\$2,500.00).

(Ord. 91-2 Art. III)

## **Chapter 8.33 ON-SITE SEWAGE SYSTEM INSTALLERS <sup>[2]</sup>**

### **Sections:**

[8.33.010 Definitions.](#)

[8.33.020 Installer registration.](#)

[8.33.030 Installer examination.](#)

[8.33.040 Installer certification.](#)

[8.33.050 Enforcement.](#)

[8.33.060 Fees.](#)

### **8.33.010 Definitions.**

"Certified installer" means an installer who passes a written proficiency examination conducted by the Porter County health department or an entity approved by the Porter County health department, and maintains certification through retesting or obtaining the proper continuing education units.

"Department" means the Indiana State Department of Health.

"Registered installer" means a certified installer who registers with the Porter County health department.

(Ord. No. 12-25, § 1, 11-20-2012)

### **8.33.020 Installer registration.**

Effective January 1, 2013, no person shall construct, install, replace, alter, or repair any part of any onsite sewage system (OSS) in Porter County unless the person is registered with the Porter County health department.

- A. An installer shall file an application for registration with the Porter County health department, and keep on file at the Porter County health department a current certification in gravity OSS, flood dose OSS, trench pressure OSS, sand mound OSS, and alternative technology OSS for which an interim standard has been published by the department.
- B. Such registration shall be valid for a term of one year beginning January 1 and expiring December 31, of the same year and shall be renewed annually. The registration shall bear the name and address of the registered installer and the expiration date and shall not be transferable.

(Ord. No. 12-25, § 2, 11-20-2012)

### **8.33.030 Installer examination.**

Every installer engaged in the construction of OSS in Porter County shall be knowledgeable of all laws, rules, technical specifications, and ordinances of both the state of Indiana and Porter County governing OSS.

- A. The applicant for certification shall demonstrate knowledge of the applicable laws, rules, technical specifications, and ordinances before becoming certified by passing a written proficiency examination conducted by the Porter County health department or an entity approved by the Porter County health department.
- B. The examination shall be in multiple parts. The Porter County health department or an entity approved by the Porter County health department will develop examinations to test applicant knowledge of laws, rules, regulations, and ordinances of the state of Indiana and Porter County in the following areas:
  1. Part A will cover gravity OSS and flood dose OSS;
  2. Part B will cover trench pressure distribution OSS and sand mound OSS.
  3. Additional examinations for alternative technology OSS for which an interim standard has been published by the department.
- C. The examinations shall be reviewed from time to time to determine their applicability to current laws, rules, technical specifications and ordinances.
  1. A score of eighty (80) percent or higher on each part will be considered passing. If the applicant fails to pass any part of the examination, the applicant may re-apply for installer certification no earlier than one month following the examination date.

2. When taking a written examination is not feasible due to language or reading difficulties, oral examination will be allowed.

(Ord. No. 12-25, § 3, 11-20-2012)

### **8.33.040 Installer certification.**

An applicant shall comply with the requirements for obtaining a certification, and may be certified to install OSS for the following.

- A. Upon successful completion of the examination for [Section 8.33.030\(B\)\(1\)](#) (part A), the applicant shall be issued a certification to install gravity OSS and flood dose OSS. Certification to install gravity OSS and flood dose OSS is required prior to certification to install trench pressure OSS and sand mound OSS, or certification to install an alternative technology OSS for which an interim standard has been published by the department.
- B. Upon successful completion of the examination for [Section 8.33.030\(B\)\(2\)](#) (part B), the applicant shall be issued a certification to install trench pressure OSS and sand mound OSS.
- C. Upon successful completion of an examination for [Section 8.33.030\(B\)\(3\)](#) for an alternative technology OSS for which an interim standard has been published by the department, the applicant shall be issued a certification to install an OSS for that alternative technology.
- D. Such certification shall be valid for a term of three years beginning January 1, and expiring December 31, of the third year and shall be renewed tri-annually. The certification shall bear the name and address of the certified installer and the expiration date and shall not be transferable. The installer shall re-apply for certification and pass the proficiency test, or provide proof of recertification by an entity approved by the Porter County health department.
- E. The Porter County health department may approve continuing education units (CEUs), for educational experiences attended by the certified installer, in lieu of the testing requirement for renewal. Six CEUs related to each part of the exam listed under [Section 8.33.030\(B\)](#) shall be required during the three-year certification period, to avoid retesting for that part of the exam.
- F. The installer shall possess a copy of the certification at all times when installing OSS.
- G. A certified installer shall be on the site at all times during OSS construction, and shall be deemed responsible for the construction. A certified installer may supervise other construction workers as necessary to assist in the construction.
- H. Every certified installer shall be working under a registered installer. If the certified installer is not also a registered installer, they shall declare at the time of certification the registered installer they work for and shall maintain employment with the registered installer as a condition of their certification.
- I. A property owner wanting to install, repair, replace, or otherwise work on the OSS serving the property owner's dwelling shall be required to demonstrate knowledge of the applicable laws, rules, technical specifications, and local ordinances by passing the proficiency exam in [Section 8.33.030](#), paragraph (B)(1), and paragraph (B)(2), or paragraph (B)(3) (if applicable), conducted by the Porter County health department or an entity approved by the Porter County health department.
- J. If the OSS installation is being done by an entity other than an individual (such as a corporation or partnership) then, and in that event, the entity installing the OSS shall have in its employ a certified and registered installer who shall be responsible for all aspects of the design, installation, construction, replacement, altering or repair of the OSS.

(Ord. No. 12-25, § 4, 11-20-2012)

### **8.33.050 Enforcement.**

- A. If a registered installer has repeated violations of any provision of this chapter or the applicable rules or technical specifications of the department, the Porter County health officer may revoke the appropriate registration. If registration is revoked, the requirements for becoming registered, including testing and the payment of the registration fee, shall apply prior to re-registration. An installer who has been re-registered shall be on probationary status for a period of one year.
- B. If a registration is revoked, the installer shall be advised, in writing, for the basis of the revocation, the right and procedure for appeal, the deadline for appeal, and the opportunity for a fair hearing.
- C. Any person (except for a property owner who complies with the requirements of [Section 8.33.040\(I\)](#)) constructing, installing, repairing, replacing, or altering any OSS who is not registered in Porter County shall be deemed to be in violation of this chapter. A person who is in violation of this chapter shall be fined for the first offense no more than five hundred dollars (\$500.00); for the second and each subsequent offense no more than one thousand dollars (\$1,000.00). Each violation of this chapter shall constitute a separate violation.

(Ord. No. 12-25, § 5, 11-20-2012)

### **8.33.060 Fees.**

- A. A fee of fifty dollars (\$50.00) for installer registration shall be submitted prior to the issuance or renewal of the registration.
- B. A property owner as described in [Section 8.33.040\(I\)](#) is exempt from the installer registration fee.

(Ord. No. 12-25, § 6, 11-20-2012)

FOOTNOTE(S):

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**Editor's note**— Ord. No. 12-25, §§ 1—6, adopted Nov. 20, 2012, did not specifically amend the Code; hence, inclusion herein as Ch. 8.33, §§ 8.33.010—8.33.060, was at the editor's discretion. ([Back](#))

## **Chapter 8.34 REFUSE AND RECYCLING**

### **Sections:**

[8.34.010 General requirements.](#)

[8.34.020 Definitions.](#)

[8.34.030 Requirements for collection and disposal of residential refuse and recyclables.](#)

[8.34.040 Enforcement.](#)

[8.34.050 Penalties.](#)

[8.34.060 Severability.](#)

### **8.34.010 General requirements.**

Any company operating a residential refuse collection service in the unincorporated areas of Porter County shall collect and dispose of refuse, de minimus amounts of yard waste, rubbish, and bulk items, produced by households within the unincorporated areas of Porter County in accordance with the provisions of this chapter. No company shall operate a refuse collection service in the unincorporated areas of Porter County until it has filed an annual letter of intent to operate a refuse collection service along with the required insurance certificates with the Porter County solid waste management district. Such letter of intent and required insurance certificates are due to be filed with the Porter County solid waste management district by January 15th of each year. Upon approved acceptance of the applicant's letter of intent, the Porter County solid waste management district will issue a certificate of registration valid through January 14th of the following year. Failure to file an annual letter of intent by the specified date of January 15th of each year shall constitute a violation as noted in [Section 8.34.050](#) of this chapter, Penalties. Letter of intent shall be submitted as outlined in Attachment A. This provision does not apply to governmental agencies engaged in such activities, persons who are transporting, transferring, compacting, shredding, composting, or baling their own general wastes, or entities engaged solely in recycling activities.

(Ord. 04-18 § 1)

### **8.34.020 Definitions.**

The following definitions are adopted for the purpose of this chapter:

"Authorized personnel" means individuals from the Porter County health department, the Porter County solid waste management district, Indiana Department of Environmental Management, local fire departments, or any law enforcement officials as appropriate.

"Curbside recycling service" means the collection of recyclable materials set out for collection from a household or residence.

"Recyclables" means material having an economic value in the secondary materials market. Materials that have such value include but are not limited to: steel cans, aluminum cans and bi-metal cans, glass bottles, plastic with a #1 or #2 designation, residential paper, (including magazines, newspapers, junk mail and phone books) paper board, corrugated cardboard and any other material designated by law.

"Refuse" or "solid waste" means all putrescible and nonputrescible wastes (except human body waste), including rubbish, garbage, trash and recyclables.

"Residence" means a dwelling or portion of a dwelling, used primarily as a place of habitation for one or more persons, and shall include apartment buildings.

"Unit-based rates" means a solid waste collection and disposal charge based on the weight and volume of the solid waste set out for the collection.

(Ord. 04-18 § 2)

### **8.34.030 Requirements for collection and disposal of residential refuse and recyclables.**

- A. Disposal of Solid Wastes. The solid waste collection firm shall, at all times, have available for its use a site for disposal of nonrecyclable refuse collected or an alternative system which is in compliance with all local, state and federal laws and regulations. The firm shall keep in effect any permits and licenses for such disposal facilities. Materials set out for recycling shall not be handled, landfilled, incinerated, nor disposed of in any manner that prohibits or inhibits the ability to recycle at a minimum eighty-five (85) percent of the materials back into a reusable commodity.
- B. Curbside Recycling Service. Beginning February 1, 2005 in the unincorporated areas of Porter County, solid waste collection firms operating in the unincorporated areas of Porter County shall offer



a curbside recycling service to each of their residential customers. Individual customers who refuse recycling services shall not receive discounts for doing so. The curbside recycling service shall be provided at a minimum once every two weeks.

Current existing contract(s) for franchise service to entities in unincorporated areas which extend beyond February 1, 2005 are exempt from the terms of this chapter until the current term(s) of such contract(s) expire. Upon renewal or renegotiation of such contract(s), waste hauler must incorporate terms of this chapter into renewed or renegotiated contract(s).

The solid waste collection firm shall be responsible for transporting all collected recyclable materials to a facility where the materials are recycled or prepared for recycling. Marketing of the recyclables will be at the discretion of the collection firm, providing that no materials collected as recyclables are taken to a landfill, incinerator, or other disposal facility. At a minimum, the following recyclable materials shall be collected: materials commonly known as "commingled material" being plastics (one and two), metal cans, (steel, aluminum, tin and bi-metal), glass jars and bottles (clear, green and brown) and fiber being paper (newspaper, magazines, junk mail and old phone books), paper board and corrugated cardboard.

- C. Unit-based Rates. Beginning February 1, 2005, in the unincorporated areas of Porter County, solid waste collection firms operating in the unincorporated areas of Porter County shall offer and promote to residential generators at least two service levels and respective fees for solid waste collection and disposal services. The level of service must be related to the volume or weight of the refuse that residents set out for collection. Unlimited refuse collection may still be offered as an option for customers provided that the unit-based fees remain competitive and create an incentive to promote waste reduction and recycling.
- D. Inspection and Reporting. Inspection may be made of any premises, facility or equipment in connection with the storage, collection, transportation, treatment, handling processing and final disposal of solid waste and/or recyclables at any reasonable time upon showing proper identification. Inspection may be made by authorized personnel from the Porter County health department, the Porter County solid waste management district, Indiana Department of Environmental Management, local fire departments, or any law enforcement official as appropriate.

The solid waste collection firm must keep accurate records tracking the management of all residential refuse and recyclables that it collects and processes. The firm shall report in writing the weight of refuse and recyclables it collected from residences in the unincorporated areas of Porter County as well as their destinations to the Porter County solid waste management district on a quarterly basis. For waste collection routes that cross county lines, the firm shall report the weight of material for Porter County residences based on a percentage of the Porter County residences collected from on that particular route. The same process would be applied to reporting the weight of recyclables collected on cross county routes. The firm shall supply the report on or before the 15th day of the month following the quarter of collection. Failure to submit reports to the Porter County solid waste management district by the 15th of the following month constitutes a violation.

- E. Hold Harmless Clause. Porter County, and the Porter County solid waste district, its agents and employees, shall not be liable for any loss, damage, injuries or other casualties of anyone, including the collection firm, arising out of or resulting from, whether due in whole or in part, negligent acts or omissions of the collection firm, for itself, its successors and assigns, does agree to indemnify and hold harmless from and against all claims, demands, liabilities, suits and actions (including reasonable expenses and attorney's fee incurred by or imposed by the solid waste management district in connection therewith), for such loss, damage, injury or other casualty.

(Ord. 04-18 § 3)

### **8.34.040 Enforcement.**

The Porter County solid waste management district, through its responsible officers, shall enforce the provisions of the ordinance codified in this chapter in furtherance of this chapter and to ensure and safeguard the public health, safety and welfare. Any noncompliance with its ordinance constitutes a

violation. Each day of a violation constitutes a separate offense. The Porter County solid waste management district may seek an injunction in the appropriate court of competent jurisdiction.

(Ord. 04-18 § 4)

### **8.34.050 Penalties.**

The penalties and enforcement of penalties under the provisions of the ordinance codified in this chapter shall be as follows:

- A. If the Porter County solid waste management districts issues a "Notice of Violation" regarding any of the violations listed in Attachment B, the district may impose the corresponding civil penalty per day per violation payable to the Porter County solid waste management district. Further, the person or entity in violation may request within thirty (30) days after service of the "Notice of Violation" a hearing before the Porter County solid waste board. Such request does not preclude the district from pursuing action as noted in subsection B of this section. Failure to request a hearing within thirty (30) days or failure to appear at any hearing constitutes default and an admission of the violation.
- B. The Porter County solid waste management district may bring an action in the circuit or superior court of Porter County to enforce payment of any penalty imposed under [Section 8.34.040](#) of this chapter and/or to seek an injunction of the violation or to seek any other remedy allowed by law.
- C. Any person or entity that violates the ordinance codified in this chapter shall also be liable to the Porter County solid waste management district for attorney's fees and court costs incurred in enforcing this chapter.

(Ord. 04-18 § 5)

### **8.34.060 Severability.**

If any part of this chapter shall be held to be void, invalid or unconstitutional either under the laws or constitution of the state of Indiana or the United States by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this chapter, and such portion shall be in full force and effect.

(Ord. 04-18 § 6)

## **Chapter 8.36 UNSAFE BUILDING LAW**

### **Sections:**

[8.36.010 Title and scope.](#)

[8.36.020 Adoption by reference.](#)

[8.36.030 Administration.](#)

[8.36.040 Public nuisance.](#)

[8.36.050 Definitions.](#)

[8.36.060 Order and notice.](#)

[8.36.070 Hearing and review.](#)

[8.36.080 Emergency orders.](#)

[8.36.090 Manner of performance.](#)

[8.36.100 Liability for costs for performance of work required by order.](#)

[8.36.110 Unsafe building fund.](#)

[8.36.120 Standard of work.](#)

[8.36.130 Inspection warrants.](#)

[8.36.140 Enforcement.](#)

[8.36.150 Violations.](#)

[8.36.160 Separability.](#)

[8.36.170 Effective date.](#)

### **8.36.010 Title and scope.**

In accordance with Indiana Code (IC) 36-7-9-1, et seq., this chapter is established and shall be known as the "Unsafe Building Law of Porter County, Indiana." The regulations of this chapter apply throughout the unincorporated areas of Porter County, Indiana.

(Ord. 05-01 § A)

### **8.36.020 Adoption by reference.**

I.C. 36-7-9-1 through 36-7-9-28 (collectively "State Code") is incorporated by reference as the "Unsafe Building Law of Porter County, Indiana." All proceedings within Porter County, for the inspection, repair and removal of unsafe buildings shall be governed by the State Code and by the provisions of this chapter. In the event the provisions of this chapter conflict with the State Code, then the provisions of the State Code shall control. The building standards and rules of the Indiana Fire Prevention and Building Safety Commission, as set forth in the Indiana Code and in the Indiana Administrative Code, are adopted as the building standards and rules for matters considered under this chapter.

(Ord. 05-01 § B)

### **8.36.030 Administration.**

The Porter County building commissioner, or his duly designated representative, such as the code enforcement officer from the plan commission, is authorized to administer the Porter County unsafe building law and to order the repair or removal of unsafe buildings and structures in accordance with the procedures set forth or incorporated in this chapter.

(Ord. 05-01 § C)

### **8.36.040 Public nuisance.**

All buildings, structures or portions thereof which are determined after inspection by the enforcement authority to be unsafe, as defined in this chapter, are declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

(Ord. 05-01 § D)

### **8.36.050 Definitions.**

As used in this chapter, the following terms shall have the following meanings unless clearly contrary to the context:

"Community organization" means a citizen's group, neighborhood association, neighborhood development corporation, or similar organization that:

1. Has specific geographic boundaries defined in its bylaws or articles of incorporation and contains at least forty (40) households within those boundaries;
2. Is a nonprofit corporation that is representative of at least twenty-five (25) households or twenty (20) percent of the households in the community, whichever is less;
3. Is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;
4. Has been incorporated for at least two years; and
5. Is exempt from taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

"Department" means the Porter County building department.

"Enforcement authority" means the Porter County building commissioner, code enforcement officer of the plan commission, or other appointed designee of the building commissioner.

"Hearing authority" means a person or persons designated as such by the executive of the county.

"Sealing a building or structure" means padlocking the entries to the building or structure and posting the building or structure with a notice that forbids entry to the building or structure and securing all other entry points to the building or structure from entry as prescribed by the enforcement authority.

"Substantial property interest" means any right in the real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a future interest, a present possessory interest, or an equitable interest of a contract purchaser. In a consolidated city, the interest reflected by a deed, lease, license mortgage, land sale contract, or lien is not a substantial property interest unless the deed, lease, license, mortgage, land sale contract, lien or evidence of it is:

1. Recorded in the office of the county recorder; or
2. The subject of a written information that is received by the division of development services and includes the name and address of the holder of the interest described.

"Unsafe building or structure" means any building or structure, or any part of a building or structure that is:

1. In an impaired structural condition that makes it unsafe to a person or property;
2. A fire hazard;
3. A hazard to the public health;
4. A public nuisance;
5. Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
6. Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance.

"Unsafe premises" means an unsafe building or structure and the tract of real property on which the unsafe building or structure is located.

(Ord. 05-01 § E)

### **8.36.060 Order and notice.**

- A. The enforcement authority is authorized to issue an order requiring any remedies described in I.C. 36-7-9-5 and containing the information and time limit required by I.C. 36-7-9-5.
- B. An order that requires sealing a building under I.C. 36-7-9-5(a) requires notification to each person holding any fee interest or life interest. For other orders issued under I.C. 36-7-9-5, each person having a substantial property interest in the unsafe premises must be notified.
- C. Notification under this section must be made in accordance with I.C. 36-7-9-25.

(Ord. 05-01 § F)

### **8.36.070 Hearing and review.**

The Porter County board of commissioners shall annually designate a person or persons to serve as the hearing authority for the purposes of conducting hearings in accordance with I.C. 36-7-9-7.

The hearing authority shall meet once a month as required and shall be comprised of one hearing officer.

The hearing authority shall create reasonable rules of procedure for holding a hearing as required by the unsafe building ordinance.

The Porter County board of commissioners shall, at a public hearing, after having given notice of the time and place of the hearing by publication in accordance with I.C. 5-3-1, adopt a schedule setting forth the maximum amount of performance bonds applicable to the various types of ordered action and the hearing authority shall use this schedule to fix the amount of the performance bond required under and pursuant to I.C. 36-7-9-7(e).

Hearing and review are provided as set forth in I.C. 36-7-9-7 and I.C. 36-7-9-8.

A hearing is not required to carry out an order to seal a building. However, a previously issued order to seal may be modified or rescinded only if the persons previously notified have been notified of the change or rescission by means of a written statement in the manner prescribed by I.C. 36-7-9-6. The order to seal does not become final until ten days from issuance within which time a fee interest or life estate holder may, in writing, request a hearing.

An action taken under I.C. 36-7-9-7(d) is subject to review by the circuit court or superior court pursuant to I.C. 36-7-9-8.

(Ord. 05-01 (part))

### **8.36.080 Emergency orders.**

Emergency action in order to protect life, safety or property may be taken without issuing an order or giving notice, but shall be taken in accordance with I.C. 36-7-9-9. The action is limited to the abatement of any immediate danger. The county may recover the costs of the action by filing suit in the Porter County circuit court against any persons then holding the fee interest or a life estate in the unsafe premises. Alternatively, the enforcement authority may bring a civil action under I.C. 36-7-9-17 and I.C. 36-7-9-22, alleging the existence of unsafe premises which present an immediate danger to the community sufficient to warrant emergency action. In such case, there shall be a hearing within ten days on the complaint.

(Ord. 05-01 § H)

### **8.36.090 Manner of performance.**

The manner of performance of work, including bids and notifications, must be in accordance with I.C. 36-7-9-11.

(Ord. 05-01 § I)

### **8.36.100 Liability for costs for performance of work required by order.**

When action required by an order is performed by the enforcement authority or by a contractor acting under Section 11 of I.C. 36-7-9, each person who held a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises from the time when the order requiring the work performed was recorded to the time that the work was completed is jointly and severally responsible for the costs set forth at I.C. 36-7-9-12(a)(1) and (2).

Costs shall be determined on the basis of the factors listed in I.C. 36-7-9-12. If all or any part of the costs listed in I.C. 36-7-9-12 remain unpaid for any unsafe premises for the time period set forth at I.C. 36-7-9-13, the enforcement authority shall proceed pursuant to I.C. 36-7-9-13 and I.C. 36-7-9-13.5.

(Ord. 05-01 § J)

### **8.36.110 Unsafe building fund.**

An unsafe building fund is established in the operating budget of the county in accordance with the provisions of I.C. 36-7-9-14.

(Ord. 05-01 § K)

### **8.36.120 Standard of work.**

All work for reconstruction, alteration, repair or demolition shall be performed in a good, workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in I.C. 22-12-1-3, adopted as rules of the fire prevention and building safety commission (675 IAC), including 675 Indiana Administrative Code Section 12-4-9 and 675 Indiana Administrative Code Section 12-4-11(a), shall be considered standard and acceptable practice for all matters covered by this chapter or orders issued pursuant to this chapter by the building commissioner of Porter County, Indiana, or his designee.

(Ord. 05-01 § L)

### **8.36.130 Inspection warrants.**

The enforcement authority may obtain an inspection warrant from the court in cases when the owner or possessor refuse the authority permission to inspect as provided in I.C. 36-7-9-16.

(Ord. 05-01 § M)

### **8.36.140 Enforcement.**

The department, acting through its enforcement authority, a person designated by the enforcement authority, or a community organization may bring a civil action regarding unsafe premises in the circuit, superior, or municipal court of the county. The department is not liable for the costs of such an action. The court may grant one or more of the kinds of relief authorized by Sections 18 through 22 of I.C. 36-7-9, et seq.

(Ord. 05-01 § N)

### **8.36.150 Violations.**

It is a violation of this chapter for a person who:

- A. Remains in, uses or enters a building in violation of this chapter;
- B. Knowingly interferes with or delays the carrying out of an order made under this chapter;
- C. Knowingly obstructs, damages or interferes with persons engaged or property used in performing any work or duty under this chapter, or
- D. Fails to comply with Section 27 of I.C. 36-7-9, et seq. commits a class C infraction. Each day that the violation continues constitutes a separate offense.

(Ord. 05-01 § O)

### **8.36.160 Separability.**

Should any section, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid, for any reason, the remainder of the chapter shall not be affected thereby.

(Ord. 05-01 § P)

### **8.36.170 Effective date.**

This code shall go into effect on March [15](#), 2005.

(Ord. 05-01 § Q)

## **Chapter 8.37 SWIMMING POOL RULES**

### **Sections:**

[8.37.010 Definitions.](#)

[8.37.020 Minimum operating requirements for pools and spas.](#)

[8.37.030 Permit and fee requirements.](#)

[8.37.040 Inspection of pools and spas.](#)

[8.37.050 Penalties.](#)

### **8.37.010 Definitions.**

The definitions contained in 410 IAC 6-2.1-1 are adopted herein and made a part hereof. The following additional definitions shall apply to the interpretation and enforcement of this chapter:

- A. "Certified pool operator ("CPO")" means someone who has passed the certified pool-spa operator test and has been certified and registered as a certified pool-spa operator by the National Swimming Pool Foundation.
- B. "Health officer" shall mean the Porter County health officer, or his authorized representative.

(Ord. No. 08-23, § 1, 8-5-2008)

### **8.37.020 Minimum operating requirements for pools and spas.**

All persons owning or operating a public pool, semi-public pool or spa in Porter County shall comply with the minimum sanitation and operation requirements specified by the Indiana State Board of Health as now provided in 410 IAC 6-2.1 or as the same may be hereafter changed or amended. Such regulation

and any changes and amendments thereto which may be hereafter adopted or promulgated are by reference incorporated herein and made part hereof, two copies of which are on file in the Office of the Porter County Health Department, for public inspection.

Each public pool, semi-public pool or spa facility shall have at least one employee who is a certified pool operator (CPO) or if a third-party service company provides routine maintenance, the outside service technician must be a CPO. Any individual who makes changes to the water quality, or performs routine maintenance of the swimming pool/spa system components, must also be a certified pool operator.

(Ord. No. 08-23, § 2, 8-5-2008)

### **8.37.030 Permit and fee requirements.**

- A. Permit. It shall be unlawful for any person to operate a public/semipublic swimming pool, wading pool, spa, or hot tub in Porter County, Indiana, who does not possess a valid permit from the health officer. Such permit shall be posted in a conspicuous place on the premises of such swimming pool, wading pool, spa or hot tub. Only persons who comply with the applicable provisions of the ordinance shall be entitled to receive and retain such a license. Such permit for a yearly operating pool shall be for a term of one year, to be renewed annually on or prior to January 1. Any permit issued by the health officer shall contain the name and address of the person to whom a license is issued and such other data as the health officer deem necessary.
- B. Permit fees. Public/semi-public swimming pools, wading pools, spas or hot tubs operating only during the summer months shall pay to the Porter County health department, a license fee of twenty-five dollars (\$25.00) per pool, spa, wading pool, hot tub, etc., each year, submitted with the initial or annual permit renewal application, due January 1. All license fees shall be payable on or before January 1, and shall be subject to the addition of a late penalty charge of ten dollars (\$10.00) per pool, if submitted after the permit expiration date of that year. Public/semi-public swimming pools, wading pools, spas, and hot tubs operating year round, or for periods longer than the summer months of May, June, July, August and September, shall pay to the Porter County health department, a permit fee of fifty dollars (\$50.00) each year per pool, spa, wading pool, hot tub, etc. All license fees shall be payable on or before January 1, and shall be subject to the addition of a late penalty charge of ten dollars (\$10.00) per pool, if submitted after the permit expiration date of that year. Tax supported units of government and schools shall be exempt from the payment of the above-described fees.

(Ord. No. 08-23, § 3, 8-5-2008)

### **8.37.040 Inspection of pools and spas.**

- A. Authority to inspect and to copy records—The person operating or owning any public pool, semi-public pool and/or spa in Porter County shall, upon the request of the health officer, permit such health officer or his authorized representative access to all pool and/or spa facilities and shall permit the health officer or his authorized representative to collect evidence and/or exhibits and to copy any and all records relative to the enforcement of this chapter.
- B. Inspection of facilities—The Porter County health officer and/or his designated representative shall implement a regular program of inspecting facilities permitted under this chapter. If upon such an inspection, the health officer or his designated representative finds that the permitted facility is violating any of the provisions of this chapter, then and in that event, the health officer or his designated representative shall provide the owner/operator of the permitted facility with written notice of such violations and shall give the owner/operator of the permitted facility reasonable time to rectify the ordinance violations. If upon a second inspection, the Porter County health officer or his designated representative finds that the permitted facility remains in violation of the provisions of this chapter, the health officer or his designated representative may promptly issue a written order to the permittee of such facility to appear at a certain time, no later than ten days from the date of the second inspection, and at a place in Porter County fixed in said notification to show cause why the



permit issued under the provisions of this chapter should not be revoked. The health officer upon such hearing if the permittee should fail to show cause, shall revoke said permit and promptly give written notice of such action to the permittee. The health officer shall maintain a permanent record of his proceedings filed in the Office of the Porter County Health Department.

- C. Suspension of permit—Any permit issued under this chapter may be temporarily suspended by the health officer without notice or hearing for a period not to exceed thirty (30) days, for any of the following reasons:
1. Unsanitary or other conditions which in the health officer's opinion endangers the public health;
  2. Interference with the health officer or any of his authorized representatives in the performance of their duties;

Provided, however, that upon written application from the permittee, served upon the health officer within fifteen (15) days after such suspension, the health officer shall conduct a hearing upon the matter after giving at least five days written notice of the time, place and purpose thereof to the suspended permittee; provided further, that any such suspension order shall be issued by the health officer in writing and served upon the permittee by leaving a copy at his usual place of business or by delivery of certified or registered mail to such address. Any person whose permit has been suspended may at any time make application to the local health officer for the reinstatement of his permit.

(Ord. No. 08-23, § 4, 8-5-2008)

#### **8.37.050 Penalties.**

- A. Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Upon conviction the violator shall be punished for the first offense by a fine of not more than five hundred dollars (\$500.00); for the second offense by a fine of not more than one thousand dollars (\$1,000.00); and for a third offense and each subsequent offense by a fine of not more than two thousand five hundred dollars (\$2,500.00). Each day of operation of a permitted facility in violation of this chapter or after the expiration of the time limit for abating unsanitary conditions in completing improvements to abate such conditions as ordered by the health officer shall constitute a distinct and separate offense.

(Ord. No. 08-23, § 5, 8-5-2008)

## **Chapter 8.38 MAINTENANCE AND MONITORING OF DROP OFF RECYCLING SITES**

### **Sections:**

[8.38.010 General.](#)

[8.38.020 Definitions.](#)

[8.38.030 Violations.](#)

[8.38.040 Enforcement.](#)

[8.38.050 Penalties.](#)

[8.38.060 Severability.](#)

### **8.38.010 General.**

Each site leased and/or operated by the Recycling & Waste Reduction District of Porter County is for the use and benefit of individual Porter County residents to dispose of recyclable materials generated through individual consumption.

(Ord. No. 09-05, § I, 4-7-2009)

### **8.38.020 Definitions.**

The following definitions are adopted for the purpose of this chapter.

"Authorized personnel" are individuals from the Porter County health department, the Recycling & Waste Reduction District of Porter County, the Indiana Department of Environmental Management; local fire departments, any law enforcement officials as appropriate, or any person contracted directly or indirectly with the Recycling & Waste Reduction District of Porter County for the removal of material disposed of at a site.

"Recyclable" is identified as material having an economic value in the secondary materials market. Materials that have such value include, but are not limited to: steel cans, aluminum cans and bi-metal cans, glass bottles, plastic with a #1 or #2 designation, residential paper (including magazines, newspapers, junk mail and telephone books), paper board, corrugated cardboard and any other materials designated by law.

"Site" is each property owned and/or leased by the Recycling & Waste Reduction District of Porter County for the purpose of operating a drop off recycling location for the use and benefit of individual Porter County residents.

(Ord. No. 09-05, § II, 4-7-2009)

### **8.38.030 Violations.**

- A. No person who is not a resident of Porter County, State of Indiana is authorized to dispose of any material at a site.
- B. No person is authorized to dispose of any material that is not deemed as a recyclable.
- C. No person is authorized to dispose of any material that is generated through commercial and/or small business consumption.
- D. No person, other than authorized personnel, may remove any material left at a site.

(Ord. No. 09-05, § III, 4-7-2009)

### **8.38.040 Enforcement.**

The Recycling & Waste Reduction District of Porter County, through its responsible officers, shall enforce the provisions of this chapter in furtherance of this chapter and to ensure and safeguard the public health, safety and welfare. Any non-compliance with its ordinance constitutes a violation. Each day of a violation constitutes a separate offense. The Recycling & Waste Reduction District of Porter County may seek an injunction in the appropriate court of competent jurisdiction.

(Ord. No. 09-05, § IV, 4-7-2009)

### **8.38.050 Penalties.**

Violations

Violation	Penalty	Penalty	Penalty
	1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation
Disposing of any material at a Site by a non-resident of Porter County	\$10 0.0 0	\$25 0.0 0	\$50 0.0 0
Disposing of any material that is not deemed as a	\$10 0.0 0	\$25 0.0 0	\$50 0.0 0

Recyclable by any person			
Disposition of any material that is generated through commercial and/or small businesses consumption by any person	\$10 0.0 0	\$25 0.0 0	\$50 0.0 0
Remo	\$10 0.0	\$25 0.0	\$50 0.0

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Any penalties/fines imposed, court ordered, paid and/or collected for violations of this chapter shall be for the use and benefit of the Recycling & Waste Reduction District of Porter County. In addition to the monetary fines listed above, the district is entitled to reimbursement of court costs and attorney fees in an action brought to enforce this chapter.

(Ord. No. 09-05, § V, 4-7-2009)

**8.38.060 Severability.**

If any part of this chapter shall be held to be void, invalid or unconstitutional either under the laws or constitution of the State of Indiana or the United State of America by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this chapter, and such portion shall be in full force and effect.

(Ord. No. 09-05, § VI, 4-7-2009)

**Chapter 8.40 SALE OR USE OF SYNTHETIC CANNABINOIDS PROHIBITED**

**Sections:**

[8.40.010 Established.](#)

[8.40.020 Enforcement.](#)

[8.40.030 Violations and penalties.](#)

#### **8.40.010 Established.**

- A. Products containing synthetic cannabinoids ("products"), such as K1/Spice, or similar products which contain one or more of the following chemical compounds:
1. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;
  2. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018;
  3. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073; or
  4. Any other equivalent compound or derivative;

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

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

(Ord. No. 10-13, § 2, 9-21-2010)

#### **8.40.020 Enforcement.**

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

(Ord. No. 10-13, § 3, 9-21-2010)

#### **8.40.030 Violations and penalties.**

- A. Persons or entities violating the provisions of this chapter shall be subject to penalties set forth at I.C. 36-1-3-8(10)(B).
- B. Violations of this chapter in unincorporated areas of Porter County shall be punishable by a fine of up to two thousand five hundred dollars (\$2,500.00) for a first violation and up to seven thousand five hundred dollars (\$7,500.00) for a second or any subsequent violation of this chapter.
- C. The Porter County prosecutor's office is authorized to bring a civil action pursuant to I.C. 36-1-6-4 to enjoin any person or business from violating this chapter.

(Ord. No. 10-13, § 4, 9-21-2010)