

FINE FEES

ORDINANCE
AN ORDINANCE AMENDING ORDINANCE NO. 2009-BCCO-21

WHEREAS, the Board of Commissioners (the "Howard County Board of Commissioners") of Howard County, Indiana (the "County") adopted Ordinance No. 2009-BCCO-21 , ("Zoning Ordinance") and thereto the Regulation of Signs within Howard County, Indiana; and,

WHEREAS, from time to time it is prudent to revisit the signage ordinances to ensure that the County is regulating sign use appropriately; and,

WHEREAS, the Plan Commission, which enforces the sign and zoning ordinances, has expressed concerns with the sign provisions referenced below; and,

WHEREAS, enforcement of the current ordinance regulating temporary signs is overly cumbersome and time consuming given the Plan Commission's limited staff and financial resources; and,

WHEREAS, the abatement period in the current ordinance regulating temporary signs is not an effective enforcement mechanism; and,

NOW, THEREFORE, BE IT ORDAINED, by the Howard County Board of Commissioners of Howard County, Indiana that:

1. That Ordinance No. 2009-BCCO-21 shall be amended as follows:

Remove the strikethrough language and amend or add the following language in bold print:

Temporary signs shall be subject to the following standards:

Section 5.50 SI-03 (Signs, Non-Residential; Temporary}

C. Special Event: Streamers, pennants and banners used as temporary signs in conjunction with special events shall be promptly removed upon termination of the event **and in no case shall be displayed for more than thirty (30) consecutive days. Inflatable balloons may be used as a temporary sign in conjunction with a special event as in this chapter described, provided that they are not allowed to create an unsafe condition by reason of their use and in no case shall be displayed for more than thirty (30) consecutive days.**

3. They may not be altered or fixed to the ground to create a permanent sign.

E. Additional Signs: ~~1. Any additional temporary sign shall be permitted for up to 180 Days during one or more display periods designated on the temporary sign permit. Signs shall not be~~ **displayed for more than a consecutive thirty (30) day period. Only one (1) temporary sign permit shall be issued per calendar year per location.**

2. That Ordinance No. 2009-BCCO-21 shall be amended as follows:

Remove the strikethrough language and amend or add the following language in bold print:

SECTION I. Page 5-40; Section 5.48 SI-01 (Signs; General)

E. Prohibited Signs: The following items are expressly prohibited in all Zoning Districts.

3 . Such devices shall in no case be displayed for more than a consecutive thirty (30) day period.

- E. Additional temporary signs require a temporary sign permit and must meet the following standards:
- a. ~~Any additional temporary sign shall be permitted for up to 180 days during one or more display periods designated on the temporary sign permit.~~ **Only one (1) temporary sign permit shall be issued per calendar year per location, and temporary signs shall not be displayed for more than a consecutive thirty (30) day period.**

SECTION III. Page 8-4; Section 8.08 (Procedure for Violations)

A. Notice of Violation

- ~~2. If the violation is corrected within the 15 day period, no further action will be taken and no fines will be imposed.~~
- 2. In the case of a violation of Section 7.05 (Temporary Sign Permit) of this ordinance, no time is allowed for correction in paragraph A(1) of this section.**
- 3. If the violation is corrected within the ~~15 day period~~ **respective** time period provided for herein, no further action shall be taken and no fines will be imposed.**
- 4. The Planning Director may grant an extension of the 15 day period if the person(s) in violation has made a significant effort to correct the violation but cannot meet the deadline. The Planning Director may require a memorandum of agreement in order to extend the deadline.**

SECTION IV. Page 8-5; Section 8.12 Alternate Violation Procedures

A. The Planning Director or his duly authorized designee(s), upon verification of a civil zoning violation, will issue a civil violation to any responsible party (ies) who commit(s) a civil zoning violation. The citation may be served by personal service or by certified mail or by placement in a conspicuous place.

B. Schedule of Civil Monetary Fines

- 1. The civil monetary fine for a first civil zoning violation of the Zoning Ordinance shall be one hundred dollars (\$100.00).**
- 2. For a repeated civil zoning violation by the same violator(s) the following fines shall apply:**
 - a. Second Violation \$200.00**
 - b. Third Violation \$300.00**
 - c. Fourth Violation \$400.00**
 - d. Each Violation after the fourth \$500.00**

C Trial for Civil Zoning Violation

1. Upon issuance of the citation, the Planning Director shall forward a copy of the citation to the designated enforcement entity and the Circuit or Superior Court of Howard County, Indiana, shall schedule the case for trial.

The Plan Commission is responsible for the enforcement of this Ordinance.

All procedures will be in compliance with the Indiana Rules for Civil Procedure, and will adopt Court cost recovery for infractions according to the State of Indiana.

2. In proceedings before the Court for a Civil Zoning Violation:

- a. The designated enforcement entity has the burden of proving the Civil Zoning Violation and the violator committed the infraction, by a preponderance of the evidence presented at trial;**
- b. The violator may question all witnesses who appear for the designated enforcement entity and produce evidence or witnesses on the violator's behalf;**

3. A person found guilty of a civil zoning violation is liable for the fine, Court costs and fees.

4. Seeking a civil penalty as authorized in this Section, does not prevent the Plan

Section V. This Ordinance shall be in full force and effect from and after its passage, signature by the Howard County Commissioners, and publication in the Kokomo Tribune and the Kokomo Herald as provided by law.

Howard County Board of Commissioners

Tyler O. Moore, President

Paul Wyman

William Thompson

Attest:

Ann Wells, Howard County Auditor

This instrument was prepared by Jan Bass, Planner, Howard County Plan Commission. I affirm under penalty of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.