

ORDINANCE NO. 2012-425

**AN ORDINANCE REGULATING SOLICITATIONS WITHIN THE TRAVEL LANES OF
ROADS IN THE UNINCORPORATED
AREAS OF ELKHART COUNTY**

WHEREAS Indiana Code Sections 36-1-3 et seq. permit any county in the State of Indiana to exercise any power or perform any function necessary to the public interests in the context of its governmental or internal affairs, which is not prohibited by the Constitution of the United States or the State of Indiana, or denied or preempted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the executive and legislative body for said County and is authorized to adopt ordinances and resolutions under various statutory authorities;

WHEREAS Indiana Code Section 36-8-2-4 permits any county in the State of Indiana to regulate conduct, or the use or possession of property, that might endanger the public health, safety or welfare;

WHEREAS Indiana Code Section 36-8-2-11 permits any county in the State of Indiana to regulate solicitations by persons offering goods or services to the public or solicitations for charitable causes;

WHEREAS the Board of Commissioners has determined that the solicitation of funds, donations, or other contributions within the travel lanes of roads, streets, and highways in the unincorporated area of Elkhart County by any individual, group, organization, fund, community chest, fraternity or other entity may endanger the public health, safety and welfare of the citizenry of Elkhart County;

NOW, THEREFORE BE IT ORDERED, ESTABLISHED AND ORDAINED by the Board of Commissioners of the County of Elkhart, Indiana as follows:

1. Solicitations. No individual, group, organization, fund, community chest, fraternity or other entity shall engage in solicitations for funds, donations, or other contributions, whether or not in exchange for any tangible item in return, within the travel lanes of any roads, streets, or highways in the unincorporated area of Elkhart County.

2. Enforcement.

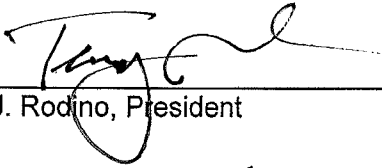
(a) Any person violating any provision of this Ordinance shall be subject to a civil penalty in an amount of up to Five Hundred Dollars (\$500.00) for each violation and with each day in violation constituting a separate violation.

(b) Citations may be prepared and issued in accordance with Indiana Code Sections 34-28-5 et seq. as amended, and Indiana Code Section 9-30-3-6 as amended, by the Elkhart County Sheriff's Department or other law enforcement agency and prosecuted in accordance with Indiana Code Sections 34-28-5 et seq., as amended.

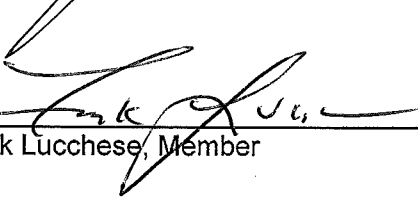
3. Effective Date. This Ordinance shall become effective on January 1, 2013 following publication in accordance with the requirements of Indiana law.

ORDAINED AND ADOPTED this 15th day of October, 2012.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: 
Terry J. Rodino, President

By: 
Mike Yoder, Vice President

By: 
Frank Lucchese, Member

ATTEST:


Pauline E. Graff, Elkhart County Auditor