

**ORDINANCE NO. 2014- 08 -CM**  
AMENDING TIPPECANOE COUNTY CODE  
ADDING NEW CHAPTER 162  
**PROHIBITION OF QUARRIES IN RESIDENTIAL AREAS**

BE IT ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code be amended to add a new Chapter 162 reading as follows:

**PROHIBITION OF QUARRIES IN RESIDENTIAL AREAS**

**§ 162.01 TITLE.**

This Chapter shall be known as "Prohibition of Quarries in Residential Areas"

**§ 162.02 PURPOSE.**

Whereas, quarrying and the processing of mineral resources should give due regard to (1) the protection of the health, safety and general welfare of the people, (2) the prevention of stream pollution, water, air and land pollution; and (3) the prevention of negative impact to the County's water supply and other injurious effects to persons, property, and natural resources; and

Whereas, the Board of Commissioners finds that, for the protection of the public health, safety and welfare of the citizens of Tippecanoe County and to mitigate the negative impacts of quarrying on those citizens who reside adjacent to or near such operations, it is reasonable and necessary to regulate quarrying as provided in this Ordinance.

**§ 162.03 APPLICABILITY**

A. The provisions of this Chapter govern the construction and operation of quarries in Tippecanoe County.

B. As used in this Chapter, "quarry" refers to a site where the area on or beneath land is used in activity related to the extraction, removal, or recovery of dimension stone or crushed and broken granite, crushed and broken limestone, or other crushed and broken stone from natural deposits and includes those activities classified under Standard Industrial Classification (SIC) codes 1411, 1422, 1423, and 1429. The term does not refer to such activity where limited to the extraction, removal, or recovery of sand or gravel.

C. A person is prohibited from constructing, operating, or locating a quarry in Tippecanoe County after June 16, 2014 without having fully complied with the provisions of this Chapter.

D. This Chapter is intended to supplement regulations imposed by other legal authority. Nothing in this Chapter is intended to preempt other applicable federal, state and local laws and regulations. Nor is anything intended to interfere with, abrogate, or annul any other

ordinance, rule, or regulation, statute or other provision of law. In the event that any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provisions that are more restrictive or that imposes higher standards shall govern.

**§ 162.04 QUARRIES PROHIBITED IN RESIDENTIAL AREAS**

A. A person shall not construct or operate a quarry in the County if one hundred (100) or more residential homes are located within a two (2) mile radius of the quarry. This provision shall not apply to quarries in operation prior to June 16, 2014.

B. If a quarry complied with subsection (A) when construction on the quarry began, construction and operations may continue even if additional residential homes are subsequently added within the two (2) mile radius. However, if construction or operation ceases for one (1) year or more, then construction or operation may not resume unless the quarry complies with the requirements of subsection (A).

C. Prior to beginning construction of a quarry or resuming construction or operation of a quarry, the person intending to construct or operate a quarry shall file a certification with the Board of Commissioners indicating that the construction does not violate subsection (A).

D. For purposes of subsection(B), the date construction begins shall be regarded as the later of: 1) the date actual substantial work begins on constructing the quarry; or 2) the date a certification is filed under subsection (C).

**§ 162.05 STOP ORDER AND INJUNCTIVE RELIEF.**

A. Whenever work is being done contrary to the provisions of this Chapter, the Board of Commissioners may order the work stopped by notice in writing, served on any person engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Board of Commissioners to proceed with the work. All persons aggrieved by a stop order issued by the Board of Commissioners under this subsection shall have the right to have the order reviewed by the Board. The petition for review must be filed within 30 days of the order. Any decision of the Board of County Commissioners pursuant to such a review petition may be appealed in accordance with IC 32-2-2-27.

B. A person with an interest in real property within a two mile radius of the quarry may apply to the Circuit or a Superior Court of Tippecanoe County for injunctive relief under this Chapter. The Board of Commissioners may also apply for injunctive relief. Injunctive relief may be pursued under this subsection regardless of whether a stop order has been issued under subsection (A).

§ 162.06 VIOLATIONS.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to construct or operate a quarry or cause or permit the same to be done, contrary to or in violation of the provisions of this Chapter.

§ 162.07 PENALTY

In addition to the availability of injunctive relief, a person who violates this Chapter shall be subject to a fine not exceeding \$2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

§ 162.08 SEVERABILITY

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

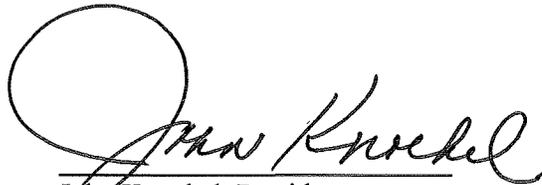
This Ordinance shall be in full force and effect immediately upon its passage and signing except that, in addition, any provisions deemed to be a penalty or forfeiture under IC 36-2-4-8(b) shall be subsequently and independently in full force and effect following publication as required by law.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 16th day of JUNE, 2014, by the following vote:

BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY

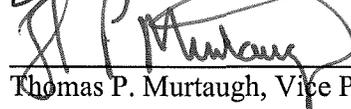
VOTE

Y



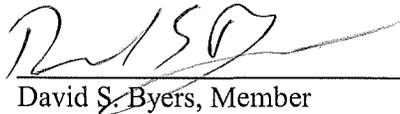
John Knochel, President

Y



Thomas P. Murtaugh, Vice President

Y



David S. Byers, Member

ATTEST:

Jennifer Weston  
Jennifer Weston, Auditor of Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 7<sup>th</sup> day of July, 2014, by the following vote:

BOARD OF COMMISSIONERS OF  
TIPPECANOE COUNTY

VOTE

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John Knochel  
John Knochel, President

Thomas P. Murtaugh  
Thomas P. Murtaugh, Vice President

absent  
David S. Byers, Member

ATTEST:

Jennifer Weston  
Jennifer Weston, Auditor of Tippecanoe County