

**AN ORDINANCE ESTABLISHING  
FUNDS FOR THE RECEIPT OF PENALTY FUNDS FROM THE  
STARKE COUNTY BOARD OF ZONING APPEALS,  
STARKE COUNTY, INDIANA**

Ordinance No. 001 of 2023

**WHEREAS**, the Starke County Council, Starke County, Indiana (the “County”) has established a fund to collect penalties that have been assessed through the Starke County Board of Zoning Appeals (“penalties”) pursuant to Ind. Code § 36-7-4 et seq; and

**WHEREAS**, the County is charged with assessing penalties through its Board of Zoning Appeals (“BZA”); and

**WHEREAS**, the County is desirous of creating a separate fund for the receipt of all penalties assessed by the Starke County, Indiana, Board of Zoning Appeals, to be used by the Starke County Planning Commission as well as the Starke County Board of Zoning Appeals.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of Starke County, Indiana, that the following Ordinance Establishing a Fund for the Receipt of Penalty Funds from the Starke County Board of Zoning Appeals, is adopted as follows:

**Section I.**  
Establishment

1. Any penalty assessed and collected by the Starke County Board of Zoning Appeals, or any litigation or settlement which results in the collection of a penalty or judgment from the Starke County Board of Zoning Appeals shall be deposited: Fifty Percent (50%) with the Starke County Planning Commission, and Fifty Percent (50%) with the Starke County Board of Zoning Appeals, for those uses specified in Section 3 of this Ordinance.

(A) **Board of Zoning Appeals Penalty Fund.** Be it now resolved, that the Starke County Auditor is hereby authorized to create a new Fund for the receipt of the aforementioned Board of Zoning Appeals penalty funds. Such fund shall be called the **Board of Zoning Appeals Penalty Fund**, Fund Number 4931.

(A) **Planning Commission Penalty Fund.** Be it now resolved that the Starke County Auditor is hereby authorized to create a new Fund for the receipt of the aforementioned Board of Zoning Appeals penalty funds. Such fund shall be called the **Planning Commission Penalty Fund**, Fund Number 4932.

2. **Non-Reverting.** The Board of Zoning Appeals Penalty Fund shall be a perpetual fund, and expenditures can be made from the Fund only for those purposes as enumerated in this Ordinance.

3. **Authorized Use of Funds.** Moneys received by either Fund enumerated in this Ordinance shall be used for the following permitted purposes:

- (A) The design, planning, engineering, implementation, and enforcement of a Zoning and Zoning enforcement system for Starke County.
- (B) The engagement of professionals to assist with the design, planning, engineering, implementation, and enforcement of a Zoning and Zoning enforcement system for Starke County.
- (C) The funding of part-time and full-time staff for the BZA of Starke County, State of Indiana, as needed and permitted via the applicable Starke County Salary Ordinance.

**Section II.**

Effective Date

1. **Effective Date.** The Starke County Board of Zoning Appeals Penalty Fund shall be established as of the date of passage of this Ordinance, and shall be of perpetual existence, or until this Ordinance is duly repealed.

**Section II.**

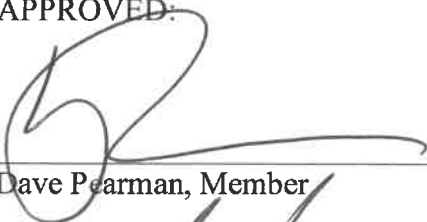
Effective Date

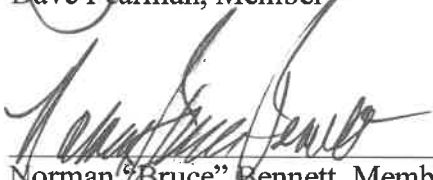
1. **Effective Date.** The Board of Zoning Appeals Penalty Fund shall be established as of February 17, 2023 and shall be of perpetual existence, or until this Ordinance is duly repealed by the Council of Starke County, Indiana.

PASSED AND ADOPTED BY THE COUNCIL OF STARKE COUNTY, INDIANA, THIS 17 DAY OF February, 2023.

**STARKE COUNTY COUNCIL OF STARKE COUNTY, INDIANA**

APPROVED:

  
\_\_\_\_\_  
Dave Pearman, Member

  
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Norman "Bruce" Bennett, Member

OPPOSED:

\_\_\_\_\_  
Dave Pearman, Member

\_\_\_\_\_  
Norman "Bruce" Bennett, Member



Todd Leinbach, Member

Todd Leinbach, Member

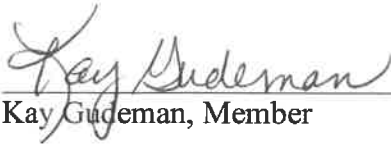


Howard Bailey, Member

Howard Bailey, Member

Anthony Black, Member

Anthony Black, Member



Kay Gudeman, Member

Kay Gudeman, Member

Cassandra Hine, Member

Cassandra Hine, Member

**ATTEST:**



Rachel Oesterreich, Auditor  
Starke County, Indiana