

TITLE 6

HEALTH, PEACE, SAFETY AND SANITATION

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- 6.04 Grass, Weeds, and Vegetation**
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Chapter 6.02

PROPERTY MAINTENANCE

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6.02.010 Title. This chapter and all ordinances supplemental or amendatory hereto shall be known as The Property Maintenance Ordinance and may be cited as such and will be referred to herein as “this Chapter”. (Ord. 2012-2, Sept. 6, 2012)

6.02.020 Purpose. The purpose of this chapter is to provide minimum standards for the prevention and suppression of disease and health risks associated with the accumulation of trash, junk, weeds and vehicles. (Ord. 2012-2, Sept. 6, 2012)

6.02.030 Authority. The following shall be authorized enforcement agents in the enforcement of this chapter within the incorporated areas of the Town of Richland, Indiana: Law enforcement officials serving in Spencer County, Health Department, the Town Council and their representatives/agents are hereby authorized to investigate violations and to perform all actions necessary for the enforcement and administration of this chapter and will be referred to as “Enforcement Agents”. (Ord. 2012-2, Sept. 6, 2012)

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

- (1) “Abandoned Vehicle” means the following:
 - A. Any vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.

- B. A vehicle that is mechanically inoperable, and left on private property continuously in a location visible from public property for more than twenty (20) days.
- (2) “Accumulate” as pertains to junk and trash means any one of the following:
 - A. Improperly collecting junk and trash in an inappropriate storage container; or
 - B. Collecting junk and trash in an accumulation greater than three (3) cubic yards.
 - (3) “Compost” - the product by the process of composting vegetative matter and other types of organic material.
 - (4) “Composting” - the biological treatment process by which microorganisms decompose the organic components of vegetative matter and other types of organic material under controlled conditions to produce a usable product.
 - (5) “Town” - the town of Richland, Indiana.
 - (6) “Hearing Authority” - the Town Council of the Town of Richland, or any person(s) designated as such by the Council under authority of I.C. 36-7-9-2.
 - (7) “Highway or Road” - that portion of the State or Town public highway or road system so designated on the General Highway and Transportation Map as amended, which are kept by the Indiana Department of Transportation and the Town.
 - (8) “Solid Waste” - combustible and non-combustible waste materials; the term shall include paper, rags, tin, metals, residue from burning, household goods including but not limited to, mattress, furniture, major appliances, clothing and other household items not intended for exposure to rain and other inclement weather.
 - (9) “Junk Vehicle” - vehicles that are inoperable or incapable of movement by their own locomotion or power, or vehicles without a valid current state registration and license plate.
 - (10) “Person” - any person, firm, partnership, association, corporation, company or organization of any kind.
 - (11) “Second Violation” - a violation that is committed by a person within two (2) calendar years of a previous violation.
 - (12) “Sheriff” - the duly elected Sheriff of Spencer County or a duly appointed Deputy Sheriff of the Spencer County Sheriff’s Department.

- (13) “Standard Container” - sturdy, tied plastic bags, durable metal, plastic, or similarly constructed container designed for the storage of garbage. Food scraps and other household trash that attracts disease, vectors, including but not limited to animals and/or rodents must be placed in a vermin-proof and waterproof container with a tight fitting lid.
- (14) “Refuse” - the animal, vegetable or other waste resulting from the handling, preparation, cooking and consumption of food.
- (15) “Visible” - capable of being seen by a person of normal visual activity using the State Highway, County Road or his/her own real property.
- (16) “Weeds” - any growth of vegetation, other than trees, bushes, shrubs, ornamental plants, or agricultural plants cultivated in an orderly manner for the purpose of producing food and/or feed. (Ord. 2012-2, S1, Sept. 6, 2012)

6.02.050 Solid Waste and Refuse.

- (1) No person shall permit the accumulation of solid waste and/or refuse
 - A. Within one hundred (100 feet of any single-family residence; or
 - B. Where such material is visible from any public road or right-of-way.
- (2) It shall be a violation of the Ordinance for the owner, or anyone having a substantial property interest in real property, including open or vacant property, within the Town of Richland to deposit or allow to remain on that real property any solid waste or refuse, as defined above, which items might provide food or harborage for disease, vectors, including but not limited to insects, rodents, pests, or pose a fire safety hazard.
- (3) No person shall permit solid waste or refuse to be situated on his or her property so that the material can be carried, by wind, to any highway, right-of-way, easement, or upon the property of any other person.
- (4) Nothing in this chapter shall be deemed to apply to Town or County owned or operated recycling, or salvage operations, or any other operation that is in compliance with all other ordinances.
- (5) Nothing in this chapter shall be deemed to apply to compost and composting.
- (6) Nothing in this chapter shall be deemed to apply to the use of standard containers or dumpsters for the temporary containment of solid waste or refuse awaiting disposal. Solid waste that attracts animals or rodents must be placed in a vermin-proof and waterproof container with a tight fitting lid. Such containers shall be constructed, handled, and placed in a way that will not promote a safety or health issue. (Ord. 2012-2, S2, Sept. 6, 2012)

6.02.060 Weeds.

- (1) No person shall permit the growth of grass or weeds in excess of ten (10) inches in height within one hundred (100) feet of any single-family residence.
- (2) Nothing in this chapter shall be deemed to apply to agricultural plants or crops, such as gardens, hay and pasture. (Ord. 2012-2, S3, Sept. 6, 2012)

6.02.070 Abandoned and Junk Vehicles.

- (1) It shall be unlawful for any person to keep, park or store any junk or abandoned vehicle(s) or parts thereof, on public or private property, if such vehicle(s) or parts thereof, are not kept in a garage or other enclosure.
- (2) A vehicle shall not be considered an abandoned or junk vehicle if it is stored in a garage or other building or within a fenced area which blocks the vehicle from being visible.
- (3) A garage or other building does not include a tarp, plastic sheeting or any other similar materials or impermanent means that are used to cover a motor vehicle. A garage or other building as contemplated in this section is given its ordinary meaning.
- (4) Nothing contained in this chapter shall be construed to apply to farm machinery.
- (5) Nothing contained in the Ordinance shall be construed to apply to vehicle(s) screened by natural objects, plantings, fences or other appropriate means so as not to be visible. (Ord. 2012-2, S4, Sept. 6, 2012)

6.02.080 Investigation.

- (1) It shall be the duty of the Authorized Enforcement Agent(s) to evaluate a report or complaint of a violation of this chapter for proper enforcement procedures.
- (2) Authorized Enforcement Agent(s) shall provide an "Inspection Report" to the Town Council or its authorized agents and, if feasible, to the property owner. (Ord. 2012-2, S5, Sept. 6, 2012)

6.02.090 Violations.

- (1) **SOLID WASTE AND REFUSE.** In cases of actions violating section 6.02.050 of this chapter a "Notice of Violation" shall be issued by the Town of Richland Code Enforcement Officer requiring the violator to remove and properly dispose of the solid waste and/or refuse from the premises within fifteen (15) days from the date of the notice.

- (2) WEEDS. In cases of actions violating section 6.02.060 of this chapter a “Notice of Violation” shall be issued by the Town of Richland Code Enforcement Officer requiring the violator to cut and/or remove the accumulation of weeds from the premises within seven (7) days from the date of the notice.
- (3) ABANDONED AND JUNK VEHICLES. In cases of actions violating section 6.02.070 of this chapter a “Notice of Violation” shall be issued by the Town of Richland Code Enforcement Officer requiring the violator to remove the abandoned and/or junk vehicle(s) from the premises within fifteen (15) days from the date of the notice. (Ord. 2012-2, S6, Sept. 6, 2012)

6.02.100 Notice of Violation.

- (1) Any person found to be in violation of any provision of this chapter shall receive a “Notice of Violation” and a letter requesting the violator contact the Town of Richland Code Enforcement Officer within five (5) business days from the date of the “Notice of Violation”.
- (2) If the recipient of the “Notice of Violation” does not correct the violation, a second “Notice of Violation” shall be served either in person or by certified/registered mail.
- (3) The Town of Richland Code Enforcement Officer shall be responsible for issuing the “Notice of Violation”.
- (4) The “Notice of Violation” shall state:
 - A. The date and location of the violation
 - B. The nature of the violation
 - C. The time period for correcting the violation
 - D. The fine and fines for subsequent violation(s)
 - E. The procedures if the violation is not corrected in the time specified on the “Notice of Violation”
 - F. The name, address and telephone number of the person to contact regarding the correction of the violation
 - G. The date, time and location for the hearing before the Hearing Authority to present evidence and arguments as to why the “Notice of Violation” was issued in error. (Ord. 2012-2, S7, Sept. 6, 2012)

6.02.110 Hearing Authority.

- (1) Per the “Notice of Violation”, if the recipient of the “Notice of Violation” believes he or she has received the notice in error, the recipient is entitled to appear at the hearing before the Property Maintenance Hearing Authority to present evidence and arguments as to why the “Notice of Violation” was issued in error.
- (2) The Hearing Authority can affirm, modify or rescind the “Notice of Violation”.
- (3) If the recipient of the “Notice of Violation” does not appear at the hearing or does not comply with the “Notice of Violation” the Town of Richland Town Council may order that the violation be corrected.
- (4) If the “Notice of Violation” is affirmed or modified by the Hearing Authority, the recipient has the right, pursuant to I.C. 36-7-9-8, to appeal the Hearing Authority’s decision by filing a verified complaint, including the findings of fact and the action taken by the Hearing Authority with the Spencer County Circuit Court within ten (10) days after the date when the action was taken. (Ord. 2012-2, S8, Sept. 6, 2012)

6.02.120 Penalties, Fines and Remedies.

- (1) PENALTIES AND FINES.
 - A. Upon the failure or refusal of an owner, occupant, agent or person in possession of the premises (who was the recipient(s) of the “Notice of Violation”) to correct the violation as stated in the “Notice of Violation”, he and/or she shall be subject to a One Hundred Dollar (\$100.00) fine for a first violation. For the second violation and subsequent violation(s) that are committed by a person within two (2) calendar years of a previous violation, he and/or she shall be subject to a Two Hundred (\$200.00) fine.
 - B. The Town of Richland Town Council may authorize the removal of the solid waste, refuse or weeds as listed in the “Notice of Violation”. The removal of trash, junk, or weeds can be performed either by the Town’s own workers and equipment or by a contractor hired by the Council for this purpose. **Compliance with abandoned and/or junk vehicle violations will be handled by the Spencer County Sheriff’s Department.
 - C. The Town of Richland Clerk-Treasurer shall issue an invoice to the owner(s) of the property for the total costs incurred by the Town to bring the property into compliance with this chapter plus any fines that have not been paid. Payment is due no later than thirty (30) days following the date of the invoice.

- D. If the fine and the costs incurred by the Town are not paid when due, they may be added to the property taxes and/or be a lien against the property.

(2) REMEDIES

- A. The Town of Richland may bring actions in the Circuit Court of Spencer County or mandatory or injunctive relief for the enforcement of, and to secure compliance with, any order or orders to otherwise provide for the enforcement of this chapter.
- B. Any such action for mandatory or injunctive relief may be joined with an action to recover the penalties, cost and expenses provided in this chapter. In the event any legal action is necessary to enforce this chapter, the Town may seek recovery of costs and expenses reasonably incurred to enforce the provisions of this chapter including, but not limited to reasonable attorney's fees. (Ord. 2012-2, S9, Sept. 6, 2012)

6.02.130 Enforcement by Other Means. The Town may enforce this chapter through any other means provided by law, including but not limited to I.C. 36-1-6, the Enforcement of Ordinances. (Ord. 2012-2, S10, Sept. 6, 2012)

6.02.140 Property Maintenance Fund.

- (1) The Town of Richland shall establish in its operating budget a fund designated as the "Property Maintenance Fund". Any balances remaining at the end of the calendar year shall be carried over in the fund for the following year and does not revert to the general fund.
- (2) All fines, penalties and clean-up costs paid pursuant to this chapter shall be deposited into the Town of Richland "Property Maintenance Fund", which shall be administered under the direction of the Town of Richland Town Council.
- (3) The funds deposited in the Town of Richland "Property Maintenance Fund" shall be used for the following purposes:
 - A. The removal and clean-up of solid waste, refuse, weeds, abandoned and/or junk vehicles that the Council has found to be in violation of the Ordinance.
 - B. Court fees, costs and expenses reasonably incurred to enforce this chapter.
 - C. Educational materials to inform residents of, and the publicizing of, the Property Maintenance Ordinance.

- D. Other expenditures as deemed appropriate by the Town of Richland Town Council. (Ord. 2012-2, S11, Sept. 6, 2012)

6.02.150 Severability. Should any section, paragraph, sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of said chapter shall not be affected thereby and shall remain in full force and effect. (Ord. 2012-2, S12, Sept. 6, 2012)

6.02.160 Repeal and Date of Effect. All ordinances and parts of ordinances in conflict with this chapter are hereby repealed, and this chapter shall be in full force and effect immediately upon this adoption and its publication as provided by law. (Ord. 2012-2, S13, Sept. 6, 2012)

Chapter 6.04

GRASS, WEEDS AND VEGETATION

Sections:

6.04.010 Statement of Intent

6.04.020 Inhabited Lot or Parcel Height Limits of Grass, Weeds or Similar Vegetation

6.04.030 Exemptions

6.04.040 Notice of Violation

6.04.050 Removal Costs Incurred by the Town

6.04.060 Appeal

6.04.070 Failure to Pay

6.04.080 Enforcement

6.04.090 Separability

6.04.100 Prior Ordinances

6.04.110 Effective Date

6.04.010 Statement of Intent. The height of grass, weeds and similar vegetation within the Town of Richland, Indiana, substantially affects such matters as health and safety by providing habitat for unwanted animals or other pests and the general appearance of the Town. Therefore, it is hereby found and determined that the height of grass, weeds and similar vegetation are matters of town-wide concern over which the Town must exercise the control set forth in this chapter. (Ord. 2009-1, S1, July 8, 2009)

6.04.020 Inhabited Lot or Parcel Height Limits of Grass, Weeds or Similar Vegetation. The owner of any lot or parcel shall not allow grass, weeds or similar vegetation to grow to a height of more than ten (10) inches as measured from the ground to the top of such grass, weeds or similar vegetation. (Ord. 2009-1, S2, July 8, 2009)

6.04.030 Exemptions.

- (1) Areas located within the corporate town limits which are used for agricultural purposes.
- (2) Ornamental or other decorative grasses or garden plants specifically planted for landscape or human consumption purposes. (Ord. 2009-1, S3, July 8, 2009)

6.04.040 Notice of Violation. Notice of the violation of this chapter shall be given to the owner of the real property by regular U.S. mail to the address shown on the tax records or by posting a notice on property in a conspicuous place, which notice shall provide that the owner has ten (10) days from receipt of the notice to cut the weeds and rank vegetation and upon failure of the owner to do so the Town or its contractors may enter the real property and abate a violation of this chapter. (Ord. 2009-1, S4, July 8, 2009)

6.04.050 Removal Costs Incurred by Town. When the Town or its contractors abates a violation of this chapter, the Clerk-Treasurer shall bill the owner of the real property for the costs incurred by the Town in abating the violation including administrative costs and removal costs. (Ord. 2009-1, S5, July 8, 2009)

6.04.060 Appeal. Any property owner who received a notice of violation of this chapter or a bill issued under this chapter may appeal the notice or the bill by filing a notice of appeal with the Clerk-Treasurer requesting a hearing at the next Town Council meeting following receipt of the notice of violation or the bill; and said matter will be heard at the next Town Council meeting. (Ord. 2009-1, S6, July 8, 2009)

6.04.070 Failure to Pay. If the owner of the real property fails to pay a bill issued under this chapter within the time specified in this chapter, the Clerk-Treasurer shall certify to the County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The Auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the Town. (Ord. 2009-1, S7, July 8, 2009)

6.04.080 Enforcement. The Town Council shall enforce this chapter. (Ord. 2009-1, S8, July 8, 2009)

6.04.090 Separability. If any section, sub-section, sentence, clause, phrase or portion of this chapter shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 2009-1, S9, July 8, 2009)

6.04.100 Prior Ordinances. All ordinances and/or parts of ordinances in conflict herewith are hereby repealed. (Ord. 2009-1, S10, July 8, 2009)

6.04.110 Effective Date. This chapter shall take effect from and after its passage by the Town Council of the Town of Richland, Indiana, and the publication thereof, as provided by law. (Ord. 2009-1, S11, July 8, 2009)

Chapter 6.50
REGULATING THE USE OF CONSUMER FIREWORKS

Sections:

- 6.50.010 IC 22-11-14-10.5 Definition**
- 6.50.020 IC 22-11-14-1 Definition**
- 6.50.030 Consumer Fireworks**
- 6.50.040 Ordinance Adopted Under IC 22-11-14-10.5**
- 6.50.050 Regulating the Use of Consumer Fireworks**
- 6.50.060 Incorporation of IC 22-11-14-1**
- 6.50.070 Exceptions**
- 6.50.080 Fines**

6.50.010 IC 22-11-14-10.5 Definition. Pursuant to Indiana Code Section 22-11-14-10.5 a municipality may adopt an ordinance concerning the use of consumer fireworks within the corporate limits of the municipality. (Ord. 2021-03, Preamble, Aug. 4, 2021)

6.50.020 IC 22-11-14-1 Definition. Pursuant to Indian Code Section 22-11-14-1 “consumer firework” means a small firework that is designed primarily to produce visible effects by combustion, and that is required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507.

The term also includes some small devices designed to produce an audible effect, such as whistling devices, ground devices containing fifty (50) milligrams or less of explosive composition, and aerial devices containing one hundred thirty (130) milligrams or less of explosive composition. Propelling or expelling charges consisting of a mixture of charcoal, sulfur, and potassium nitrate are not considered as designed to produce and audible effect. (Ord. 2021-03, Preamble, Aug. 4, 2021)

6.50.030 Consumer Fireworks.

- (1) Include:
 - A. Aerial devices, which include sky rockers, missile type rockets, helicopter or Aerial spinners, roman candles, mines and shells;
 - B. Ground audible devices, which include firecrackers, salutes, and chasers;
 - C. Firework devices containing combinations of the effects described in clauses A and B.

- (2) Do not include:
- A. Dipped sticks or wire sparkers. However, total pyrotechnic composition may not exceed one hundred (100) grams per item. Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.
 - B. Cylindrical Fountains
 - C. Cone Fountains
 - D. Illuminating Torches
 - E. Wheels
 - F. Ground Spinners
 - G. Flitter Sparklers
 - H. Snakes and Glow Worms
 - I. Smoke Devices
 - J. Trick Noisemakers, which include:
 - 1. party poppers
 - 2. booby traps
 - 3. snappers
 - 4. trick matches
 - 5. cigarette loads
 - 6. auto burglar alarms (Ord. 2021-03, Preamble, Aug. 4, 2021)

6.50.040 Ordinance Adopted Under IC 22-11-14-10.5. An ordinance adopted under Indiana Code Section 22-11-14-10.5:

- (1) may limit the use of consumer fireworks in a municipality;
- (2) may not be more lenient than a rule adopted by a State Agency concerning the use of fireworks; and
- (3) may not limit the use of consumer fireworks:

- A. between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;
- B. between the hours of 10:00 a.m. and 12:00 midnight on July 4; and
- C. between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1. (Ord. 2021-03, Preamble, Aug. 4, 2021)

6.50.050 Regulating the Use of Consumer Fireworks. The Town Council for the Town of Richland, Indiana, in the interest of public safety and to minimize the adverse effects of unregulated consumer fireworks, has decided to regulate the use of consumer fireworks within the corporate limits of Richland, Indiana. (Ord. 2021-03, Preamble, Aug. 4, 2021)

6.50.060 Incorporation of IC 22-11-14-1. The definitions of Indiana Code Section 22-11-14-1 are hereby incorporated, by reference, into and made a part of this chapter. (Ord. 2021-03, S1, Aug. 4, 2021)

6.50.070 Exceptions. Consumer fireworks, as defined by Indiana Code Section 22-11-14-1, are strictly prohibited and may not be used, ignited, or discharged anywhere within the corporate limits of Richland, Indiana except:

- (1) between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;
- (2) between the hours of 10:00 a.m. and 12:00 (midnight) on July 4; and
- (3) between the hours of 10:00 a.m. December 31 and 1:00 a.m. January 1. (Ord. 2021-03, S2, Aug. 4, 2021)

6.50.080 Fines. Any person violating this chapter shall be fined as follows:

- (1) for the first offense, Fifty Dollars (\$50.00)
- (2) for the second offense, One Hundred Dollars (\$100.00)
- (3) for the third and all subsequent offenses, Five Hundred Dollars (\$500.00) (Ord. 2021-03, S3, Aug. 4, 2021)

Chapter 6.80 MULTI-HAZARD MITIGATION PLAN

Sections:

- 6.80.010 Development of Plan**
- 6.80.020 Risk Assessment**
- 6.80.030 Mitigation Strategy**
- 6.80.040 Maintenance or Implementation Process**
- 6.80.050 Approval**
- 6.80.060 Requirement for Grant Funding**
- 6.80.070 Adoption of Plan**

6.80.010 Development of Plan. The Town of Richland has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000; and

- (1) The Act establishes a framework for the development of a multi-jurisdictional County Hazard Mitigation Plan; and
- (2) The Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses; (Res. 2020-09, Nov. 4, 2020)

6.80.020 Risk Assessment. The Spencer County Plan includes a risk assessment including past hazards, hazards that threaten the county, an estimate of structures at risk, a general description of land uses and development trends. (Res. 2020-09, Nov. 4, 2020)

6.80.030 Mitigation Strategy. The Spencer County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs. (Res. 2020-09, Nov. 4, 2020)

6.80.040 Maintenance or Implementation Process. The Spencer County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Spencer County will maintain public participation and coordination. (Res. 2020-09, Nov. 4, 2020)

6.80.050 Approval. The Plan has been shared with the Indiana Department of Homeland Security and the Federal Emergency Management Agency for review and comment. (Res. 2020-09, Nov. 4, 2020)

6.80.060 Requirement for Grant Funding. The Spencer County Multi-Hazard Mitigation Plan will make the county and participating jurisdictions eligible to receive FEMA hazard mitigation assistance grants. (Res. 2020-09, Nov. 4, 2020)

6.80.070 Adoption of Plan.

- (1) Spencer County Multi-Hazard Mitigation Plan updates the existing Multi-Hazard Mitigation Plan adopted in November/2020.
- (2) This is a multi-jurisdictional plan and cities and towns that participated in the planning process may choose to also adopt the county plan. (Res. 2020-09, Nov. 4, 2020)