TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ABANDONED VEHICLES

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§ 90.01 DEFINITIONS.

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

ABANDONED. When used in conjunction with a term ***VEHICLE*** means any of the following:

(1) Any vehicle stored or allowed to remain in the open on public premises or private premises which does not have lawfully affixed thereto or displayed thereon a valid, unexpired license plate permitting its operation upon the highways in the State of Indiana.

(2) Any vehicle which is left on public premises continuously without being moved for a period of five days.

(3) Any vehicle located on public premises or private premises illegally or in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway.

(4) Any vehicle which has remained on private premises without the consent of the owner or person in control of the premise for more than 48 hours.

(5) Any vehicle stored or allowed to remain in the open from which there has been removed the engine, transmission or differential or which is otherwise partially dismantled or inoperable and left on public premises, or, on private premises for more than 15 days, unless the premises is in connection with an automotive sales or repair business enterprise which is located in a properly zoned area.

(6) Any vehicle which has been removed by a towing service or a public agency upon request of an officer enforcing a statue or ordinance other than this chapter, the violation of which may require the removal and impoundment of the motor vehicle, and which motor vehicle once impounded is not claimed or redeemed by the owner or his or her agent within 30 days of its removal.

AUTOMOBILE WRECKER. An automobile wrecking and parts business.

BUREAU. The Bureau of Motor Vehicles of the State of Indiana.

COMMISSIONER. The Commissioner of the Bureau.

DISPOSAL AGENT. Any firm or individual engaged in business as a scrap metal processor or automobile wrecker.

OFFICER. Any regular member of the Indiana State Police, any town marshal or town marshal deputy or any regular member of the County Sheriff's Department.

OWNER. The last known record title holder to a vehicle according to the records of the Bureau of Motor Vehicles.

PARTS. All component parts of a vehicle which are in a state of disassembly, or are disassembled with other vehicle component parts, but which, in their state of assembly, do not constitute a complete vehicle.

PERSON. All natural persons, firms, partnerships and corporations.

PRIVATE PREMISES. All privately owned property which is not classified within the definition of public premises.

PUBLIC AGENCY. The department of local government which is assigned the local responsibility for removal, storage and disposal of abandoned vehicles by ordinance of the Town Council.

PUBLIC PREMISES. Any public right-of-way, street highway, alley, park or other state, county or municipally owned property.

SCRAP METAL PROCESSOR. An establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and scrap steel or nonferrous scrap for sale for remelting purposes

TOWING SERVICE. A business organized for the purpose of moving or removing disabled motor vehicles, and, once removed, to store or impound the motor vehicles.

VEHICLE. Any motor vehicle, automobile, motorcycle, truck, trailer, semi-trailer, truck, tractor, bus, school bus, house car, motor bicycle, house trailer, or any other type of motorized or nonmotorized conveyance ordinarily pulled or attached to a vehicle
(Prior Code, § 71.01) (Ord. 92-5, passed - -; Ord. 96-4, passed 4-1-1996)

§ 90.02 PROHIBITION.

It shall be unlawful for any person to park any vehicle on ay public premises or private premises, without the express or implied consent or authorization of the owner, holder, occupant, lessee, agent, or trustee of the property. Complaint for the violation of this section shall be made by the owner, holder, occupant, lessee, agent or trustee of the property to the Town Marshal of the town.
(Prior Code, § 71.02) (Ord. 92-5, passed - -; Ord. 96-4, passed 4-1-1996) Penalty, see § 90.99

§ 90.03 REMOVAL AND DISPOSAL.

The Town Council and Town Marshal of the town are the agencies assigned the responsibility for removing vehicles under the provisions of this chapter.

(A) When a complaint is made to Town Marshal regarding unauthorized parking pursuant to § 90.02, the investigating officer will complete the complaint form and have it signed by the complainant. The vehicle shall be ticketed for a violation of this chapter or other ordinances of this town. The investigating officer may also direct the removal of the vehicle by a reputable towing firm to a reputable storage or parking garage if the vehicle remains illegally parked on private property for more than four hours after the vehicle was ticketed for unauthorized parking.

(B) Whenever a Town Council member, Town Marshal or Deputy Marshal find any abandoned vehicle placed or stored in the open upon public property within the town, he or she shall issue an order to the owner of the vehicle to remove the vehicle within three days. Notice of the order shall be placed upon the vehicle. If the vehicle is not removed

within three days pursuant to the order and notice, the Town Council member, Marshal or Deputy Marshal shall cause the vehicle to be removed by an automobile wrecker or towing service. The cost and expense of the removal and storage to be paid by the owner of the vehicle.

(C) (1) Whenever a Town Council member, Marshal, Deputy Marshal find any abandoned vehicle place or stored in the open upon private property within the town, he or shall issue an order to the owner of the vehicle to remove the vehicle within ten days. Notice of the order shall be placed upon the vehicle and copies of the notice shall be served upon any adult occupying the real estate on which the vehicle is located and also upon the owner of the vehicle, if his or her name and whereabouts be known. If no occupant of the real estate or owner of the vehicle can be found, a notice affixed to any building on the real estate shall constitute a notice to the owner and occupant of he real estate and to the owner of the property.

(2) If there is no building on the real estate, the notice may be affixed elsewhere on the real estate. If the vehicle is not removed within ten days pursuant to the order an notice, and if the order is not stayed by the issuing officer pursuant to a written request showing good cause for a permanent or temporary stay, the Town Council member, Marshal, or Deputy Marshal shall cause the vehicle to be removed by an automotive wrecker or towing service. The cost and expense of the removal shall be paid by the owner of the vehicle.
(Prior Code, § 71.03) (Ord. 92-5, passed - -; Ord. 96-4, passed 4-1-1996) Penalty, see § 90.99

§ 90.04 VIOLATION.

In any proceeding for violation of this chapter the registration plate displayed on the motor vehicle shall constitute in evidence a prima facie presumption that the owner the motor vehicle was the person who parked or placed the motor vehicle at the point where the violation occurred.
(Prior Code, § 71.04) (Ord. 92-5, passed - -; Ord. 96-4, passed 4-1-1996) Penalty, see § 90.99

§ 90.05 REMOVAL; PAYMENT OF TOWING AND STORAGE; ADHERENCE TO VIOLATION TICKET.

Before the owner or person in charge of any impounded vehicle shall be permitted to remove the impounded vehicle from the custody of the owner, agent, employee, or lessee of the parking area or garage where the vehicle has been stored, he or she will pay any and all towing charges plus storage charge. He will also read and adhere to the instructions on the violation ticket placed on the vehicle by the investigating police officer.
(Prior Code, § 71.05) (Ord. 92-5, passed - -; Ord. 96-4, passed 4-1-1996)

§ 90.06 REVOLVING FUND.

There is hereby created the Town Junk Vehicle Fund which shall be a revolving fund, and all monies paid to the town for the cost of removal, storage, and disposal of abandoned vehicles shall be placed in the fund an in no other place. The fund shall also have added to it monies as may be appropriated by the Town Council and the monies also shall not revert but shall remain in the Junk Vehicle Fund.
(Prior Code, § 71.06)

§ 90.99 PENALTY.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereunder shall be fined not exceeding $500 or be imprisoned not exceeding five days, or be subject to fine and imprisonment. Each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
(Prior Code, § 71.07)

Section

91.01 Adopting county animal control regulations by reference

CHAPTER 91: ANIMALS

§ 91.01 ADOPTING COUNTY ANIMAL CONTROL REGULATIONS BY REFERENCE.

(A) The Animal Control Ordinance for Unincorporated Tippecanoe County (93-25-CM) as amended, is incorporated by reference as part of this chapter and it is hereby enacted and adopted and approved as a general ordinance of the town.

(B) Two copies of the Animal Control Ordinance for Unincorporated Tippecanoe County (93-25-CM) as amended, are on file in the office of the Town Clerk-Treasurer for public inspection.

(Ord. 94-4, passed 5-2-1994)

CHAPTER 92: NUISANCES

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Weeds

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Graffiti

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Statutory reference:

Removal of weeds and rank vegetation, see I.C. 36-7-10.1

WEEDS

§ 92.01 DEFINITIONS; EXCLUSIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DESTRUCTION ORDER. The notice issued by the enforcement authority on the property owner of the ordinance violation.

ENFORCEMENT AUTHORITY. The Town Marshal, or in cases of appeal, the Town Council.

PROPERTY OWNER. The person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license or lease.

RANK VEGETATION. The uncontrolled, uncultivated growth of annuals and perennial plants.

WEEDS, GRASSES. Includes Canada thistle, thistles, johnson grass, sorghum, alum (i.e., allium), bur cucumber and shattercane, but shall not include shrubs, trees, cultivated plants or crops.

(B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

(C) The State Cooperative Extension Service shall be the referenced technical authority for the enforcement authority with respect to the definition of exempt matters, shrubs, trees, cultivated plants and crops.

§ 92.02 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

All property owners within the corporate limits of the town shall be required and be financially

responsible for the removal, cutting or disposal and elimination of weeds, grasses and rank vegetation or other uncontrolled plant growth on their property which, at the time of notice, is in excess of ten inches in average height, and in no event exceeds 15 inches maximum height on at least 20% of the surface area of the property.

§ 92.03 FILING COMPLAINT.

Any person, including the town, who believes there is property located within the corporate limits of the town which has growing plant matter in violation of this subchapter, shall make a written complaint signed, dated and filed with the Town Clerk-Treasurer. If the town makes the complaint, an employee, officer or Council member of the town shall file the complaint in all respects as set out above.

§ 92.04 NOTICE OF VIOLATIONS.

(A) Upon receiving notice of the probable existence of weeds in violation of this subchapter, a person designated by the enforcement authority shall make an inspection and prepare a written report to the enforcement authority regarding the condition. The enforcement authority, upon concluding that there is a probable belief that this subchapter has been violated, shall forward written notification in the form of a destruction order to the property owner and/or the person occupying the property as that information is contained within the records of the Town Clerk-Treasurer or any other town agency. This notice shall be served in writing by certified mail. The notice shall provide that, within seven calendar days after the receipt of the notice, the designated violation shall be removed by the property owner and/or person occupying the property.

(B) (1) All notices are to be in writing, and all filings are to be with the Town Clerk-Treasurer.

(2) Certified mailing to the Town Clerk-Treasurer or others is deemed filed on the date of posting to the United States postal service.

§ 92.05 APPEALS.

(A) The property owner may appeal by filing written notice of objections with the enforcement authority within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the enforcement authority. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops, or is not otherwise in violation of this subchapter, and should not be subject to destruction under this subchapter.

(B) An appeal by the property owner shall be brought before the Town Council and shall be decided by a majority vote of the Council members in attendance, being at a regularly scheduled or special meeting of the Town Council.

§ 92.06 ABATEMENT BY TOWN.

In the event that the property owner shall fail to comply with the destruction order within seven calendar days and has not filed a notice within 48 hours to the Clerk-Treasurer of an intent to appeal, the enforcement authority may employ the services of town employees or outside contractors and remove the weeds to conform to this subchapter by all lawful means.

§ 92.07 LIABILITY.

(A) The property owner is liable for all costs of removal, cutting or destruction of weeds as defined by this subchapter.

(B) The property owner is responsible for all collection costs associated with weed destruction,

including but not limited to court costs, attorneys' fees and interest on any unpaid amounts incurred by the town. If the enforcement authority uses municipal employees, the town shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals which may be used.

(C) All sums payable by the property owner are to be paid to the Town Clerk-Treasurer and to be deposited in a general fund, as compensation for expenses and costs incurred by the town.

(D) If the property owner fails to pay a bill issued under this chapter within the time specified in this chapter, the town 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.
(I.C. 36-7-10.1-4)

GRAFFITI

§ 92.20 GRAFFITI DEFINED.

For purposes of this subchapter, the term ***GRAFFITI*** shall mean any unauthorized inscription or representation, on a building, structure, wall, sign, fence, sidewalk, pavement, post, stone, tree or other object or structure, of any symbol, diagram, letter, word, numeral, emblem, picture, character, or combination thereof, by carving, application of paint or other substance other than as permitted by this code.
(Ord. 2012-5, passed 6-4-2012)

§ 92.21 GRAFFITI REMOVAL REQUIRED.

(A) It shall be the duty of the owner or occupant of the building, structure, wall, dumpster or other personal property upon which any graffiti has been placed to remove, cover or eradicate the graffiti.

(B) When graffiti is found to be on private property, the Police Department shall notify the property owner in writing, with a copy to the occupant if applicable, of the graffiti and request its removal within 15 days.

(C) For good cause shown, the owner or occupant may be given additional time to meet the removal requirements without being charged with a violation of this section.
(Ord. 2012-5, passed 6-4-2012) Penalty, see § 92.99

§ 92.22 GRAFFITI REMOVAL BY THE TOWN AUTHORIZED.

In addition to any fine that may be imposed, if the owner, or occupant fails to remove, cover or otherwise eradicate the graffiti within 15 days from the issuance of the notice, or such later date as the owner or occupant may be allowed, the town or its authorized agent may enter upon the property and remove such graffiti by any means necessary, and the cost of removal shall be collected from the owner or occupant of the property.
(Ord. 2012-5, passed 6-4-2012)

§ 92.23 LIEN FOR COSTS OF GRAFFITI REMOVAL INCURRED BY TOWN.

(A) Within ten days, following the removal by the town of any graffiti from private property, the town shall send the property owner a notice of intent to assess costs, detailing the cost remaining unpaid by the property owner and that, within 30 days of the date of the removal of the graffiti, the cost shall become a lien upon the real estate affected, unless appealed as provided in § 92.24, in which case the amount of the final determination shall become a lien upon the affected real estate.

(B) A town representative shall report the costs to the Town Clerk, who shall certify the costs to the County Auditor.

(C) The Auditor shall place the same on the tax duplicate as a charge against the owner of the real estate, to be collected by the County Treasurer with the state, county and municipal taxes assessed against the owner's real estate at the regular time for paying the taxes.
(Ord. 2012-5, passed 6-4-2012)

§ 92.24 APPEAL RIGHTS.

(A) The owner or occupant of the property may seek relief from the cost of the removal and abatement
of the graffiti, as provided in §§ 92.22 and 92.23, by making a written request to the Town Council, providing all reasons and explanations justifying any modification or waiver of those costs.

(B) Each written request must be made within ten days after receiving the notice of intent to assess costs.

(C) The Town Council shall, at its next regularly scheduled meeting that is at least seven calendar days after receipt of such written appeal, either waive, modify or reaffirm those costs, and provide a written statement of its determination to the property owner.

(D) The determination of assessment by the Town Council shall be final and a lien shall be placed upon the affected property for all assessed costs as finally determined.
(Ord. 2012-5, passed 6-4-2012)

§ 92.25 RECOVERY OF COST OF REMOVAL FROM PERSON RESPONSIBLE FOR PLACING GRAFFITI.

The town's exercise of the remedies provided in this subchapter shall not prevent the owner or occupant from recovery, through civil suit or otherwise, of the cost of removal or other reparation from the person responsible for placing the graffiti on the owner's or occupant's property.
(Ord. 2012-5, passed 6-4-2012)

§ 92.99 PENALTY.

Whoever violates any provision of §§ 92.20 et seq. may, in addition to payment of the costs incurred by the town to remove the graffiti, be fined not more than $50. A separate offense shall be deemed committed on each day that a violation occurs or continues.
(Ord. 2012-5, passed 6-4-2012)

CHAPTER 93: STREETS AND SIDEWALKS

Section

93.01 Repair by owner/occupant
93.02 Permit required
93.03 Sub-grade construction
93.04 Material
93.05 Joints
93.06 Driveways
93.07 Alleys
93.08 Council resolution and notice
93.09 Prohibition
93.10 Duty of owner

93.99 Penalty

Cross-reference:

Obstructions, see §§ 71.40 through 71.44

§ 93.01 REPAIR BY OWNER/OCCUPANT.

(A) Whenever any sidewalk within the limits of the town shall need repair or whenever any hole thereof or obstruction to free passage thereof shall exist, it shall be lawful for the owner or occupant of the lot or land bounding thereon to repair, remove or abate the same at his or her own expense after having first obtained a permit as required herein.

(B) All sidewalks made new, replace or repaired within the town shall be made in conformity with the provisions of this chapter
(Ord. 70-5, passed 1-4-1971)

§ 93.02 PERMIT REQUIRED.

Any person desiring or required to build, replace or repair any sidewalk within the town, before doing or commencing any construction work thereon except where sidewalks are to be laid in accordance with the provisions of any special improvement resolution of the Town Council, must file an application for a permit therefor with the Clerk-Treasurer which application shall be signed by the owner or agent of the abutting property where the sidewalk is to be built, replace or repaired and the Clerk-Treasurer shall issue the permit when the plans and specifications for the sidewalk, which must be filed by the applicant when requesting a permit, are found by the Clerk-Treasurer to conform to this chapter.
(Ord. 70-5, passed 1-4-1971)

§ 93.03 SUB-GRADE CONSTRUCTION.

The sub-grade shall be constructed to the depth below the finished surface in accordance with the requirements of the Town Council as from time to time adopted thereby.
(Ord. 70-5, passed 1-4-1971)

§ 93.04 MATERIAL.

(A) All sidewalks shall be built of Portland Cement Concrete of the type and strength as the Town Council may, from time to time, adopt, and shall be depth of at least four inches, and shall be 36 inches wide or were sidewalks now exist shall be the width of the existing sidewalk.

(B) The sub-grade shall be wetted before the concrete is placed therein. The concrete shall be deposited within the forms upon the wetted sub-grade to such a depth that after being compacted it shall be to the full thickness required. It shall be leveled off and tamped sufficiently to bring the mortar to the surface after which it shall be finished smooth and even by means of a wood float. The edges shall be rounded with and edger having a radius of one-fourth inch. Transverse joints shall be cut with a jointer having a radius of one-fourth inch, at intervals not greater than the width of the sidewalk being constructed. No concrete work shall be done during freezing weather.
(Ord. 70-5, passed 1-4-1971)

§ 93.05 JOINTS.

Expansion joints shall be used where required by the Town Council. The preformed filler to be used in the expansion joints shall be composed of a durable elastic compound of mineral or vegetable matter. The thickness shall not be less than one-half inch, the length shall be equal to the sidewalk width and the width shall not be less than the thickness of he sidewalk. Preformed filler of one-inch thickness shall be placed where the sidewalk joins with the curb or curb gutter.
(Ord. 70-5, passed 1-4-1971)

§ 93.06 DRIVEWAYS.

Where driveways are to be built across the sidewalk space they shall conform to the sidewalk grade and shall be six inches in depth of the same quality and material as specified for walks.
(Ord. 70-5, passed 1-4-1971)

§ 93.07 ALLEYS.

An alley crossing shall be constructed of concrete six inches thick, of the same finish and material as specified for walks and will be concave or straight as may be ordered by the Town Council.
(Ord. 70-5, passed 1-4-1971)

§ 93.08 COUNCIL RESOLUTION AND NOTICE.

Whenever in the opinion of the Town Council any new sidewalk shall be built or old sidewalk repaired in the town the Council shall pass a resolution affirming the fact and shall forthwith give notice to the abutting property owner or his or her agent. The notice is to be given either personally or by registered mail. The notice shall give the owner or agent 30 days from the date of the notice in which to build or repair the sidewalk and in case the owner or agent shall fail to build or repair any sidewalk after notice is given, then the town shall proceed to build or repair the sidewalk and the costs, charges and expenses thereof shall be charged against the owner or the property and shall be collected in the same manner as assessments for street improvements. The adoption of the resolution by the Town Council shall be conclusive so far as the town is concerned of the necessity of the building or repairing of the sidewalk to render the same safe for passage thereof by pedestrians.
(Ord. 70-5, passed 1-4-1971)

§ 93.09 PROHIBITION.

No person shall store any dirt, trash or other materials on the sidewalks within the town and any dirt, trash or other materials shall be removed by the owner within 24 hours after bing placed thereon. In case of construction and repair of sidewalk all old materials must be removed within five days of the completion of work.
(Ord. 70-5, passed 1-4-1971)

§ 93.10 DUTY OF OWNER.

(A) It shall be the duty of the owner or occupant of all property adjacent to any sidewalk within the town to remove all snow and ice on the sidewalk within six hours after daylight and after the snow has ceased to fall.

(B) In addition to any penalty provided for herein if the owner or occupant fails to remove the snow or ice in the time set forth herein the town shall

remove the snow or ice and the cost the removal shall be charged against the property and shall be collected in the same manner as taxes.
(Ord. 70-5, passed 1-4-1971)

§ 93.99 PENALTY.

Any person violating any provisions of this chapter shall upon conviction, be fined in any sum not less than $5 nor more than $50 and each day's continuance of the violation shall constitute a separate and distinct offense.
(Ord. 70-5, passed 1-4-1971)

CHAPTER 94: ALARM SYSTEMS

Section

94.01 Definitions
94.02 Registration of alarm business, agents to carry cards
94.03 Prohibited acts
94.04 Notice of violation
94.05 Hearing on excuse

94.99 Penalty

§ 94.01 DEFINITIONS.

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

ALARM AGENT. Any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, moving or installing on or in any building, structure or facility, any alarm system.

ALARM BUSINESS. Any individual, partnership, corporation or other entity who sells, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

ALARM SYSTEM. Any device used for the detection of an unauthorized entry or attempted entry into a building, structure or facility; alarm for fire, smoke, excess heat or explosion; or for alerting others of the commission of any unlawful act within a building, structure, facility or grounds, which when activated causes notification to be made directly to the Police Department or Fire Department. For the purposes of this chapter, an ***ALARM SYSTEM*** shall not include:

(1) An alarm installed on a motor vehicle;

(2) Alarm designed and operated so that no notification is given to the Police Department or Fire Department until after the occupants, an agent of the owner or lessee or an agent of an alarm system business have checked the alarm site and determined that the alarm was the possible or probable result of criminal activity or fire or explosion of the kind for which the ***ALARM SYSTEM*** was designed to give notice. The alarm shall be equipped to disconnect any exterior sounding alarm automatically within ten minutes of activation; or

(3) An alarm installed upon premises occupied by the United States, the state or any political subdivision thereof.

FALSE ALARM. An alarm eliciting a police or fire response when the situation does not warrant a response. For the purposes of this chapter, this does not include alarms triggered by severe atmospheric conditions or other circumstances not reasonably under the control of the alarm user, installer or maintainer.
(Ord. 05-09, passed 2-7-2005)

§ 94.02 REGISTRATION OF ALARM BUSINESS; AGENTS TO CARRY CARDS.

(A) Prior to doing business within the town, an alarm system business shall register with the Town Clerk-Treasurer's office on a form designed by the town for that purpose. On the form, the business shall set forth:

(1) The full name and address of the alarm system business;

(2) The full name, business address and home address of the manager;

(3) A telephone number at which the Police Department and Fire Department can notify personnel of the business of a need for assistance at any time; and

(4) The name, address and date of birth of all alarm agents employed by the alarm system business.

(B) An alarm system business doing business shall have 30 days to register as required above, with a fee of $150 per year.

(C) An alarm system business shall promptly notify the Town Clerk-Treasurer in writing of any change in the information contained in the registration form.

(D) Every alarm agent shall carry on his or her person at all times while engaged in the alarm system business an identification card, which shall be displayed to any police officer or Fire Department officer upon request.
(Ord. 05-09, passed 2-7-2005) Penalty, see § 94.99

§ 94.03 PROHIBITED ACTS.

It is a prohibited act punishable by fine as provided in this chapter to do any of the following acts:

(A) For a person who owns or controls property on which an alarm system is installed to issue, cause to be issued or permit the issuance of a false alarm;

(B) For a person who owns or controls property to install, maintain or permit to operate any alarm which automatically dials into any Police or Fire Department Public or emergency telephone line when an alarm is activated;

(C) For a person participating in the ownership or management of an alarm system business to do any business within the town without registering as required by this chapter.

(D) Each separate occurrence, under division (A) of this section, and each separate day, under divisions (B) and (C) of this section shall constitute a separate and distinct violation.
(Ord. 05-09, passed 2-7-2005) Penalty, see § 94.99

§ 94.04 NOTICE OF VIOLATION.

(A) The Town Marshal or designee may issue a notice of violation. Upon the issuance of the first three violations per calendar year of § 94.03(A) only for any specific property, any fine will be excused upon the violator submitting a written report to the Town Marshal on the cause of the alarm within two weeks of service of notice of violation. The report must show that steps have been taken to correct the problem and that the problem will not occur again in the future.

(B) The notice of violation shall state the name of the violator, the location of the violation, the date and time of the violation, the section of this chapter which was violated, the penalties for the violation and the violator's right to an appeal under any section hereof, if applicable.

(C) A notice of violation shall be served upon the violator at the violator's last known address. Service shall be complete upon the mailing (regardless of the receipt of the notice) or posting of the notice upon the property where the alarm is located.
(Ord. 05-09, passed 2-7-2005)

§ 94.05 HEARING ON EXCUSE.

Any person noticed for a violation of § 94.03(A) may petition the Town Council for a hearing to show that for some reason beyond the violator's control, the false alarm was activated. The petition for a hearing must state specifically the reasons beyond the violator's control for the activation of the alarm. The violator must also furnish the Town Council with the names and addresses of any and all witnesses as to the foregoing reasons. The petition must be filed within two weeks of service of the notice of violation. After the hearing, the Town Council, in its sole discretion, will determine whether the false alarm was activated for reasons beyond the control of the violator. If the Council does determine that it was beyond the control of the violator, the violation will be excused and no fine will be imposed.
(Ord. 05-09, passed 2-7-2005)

§ 94.99 PENALTY.

(A) The fine imposed for violation of any section of this chapter will be $25 for the first three violations, $50 for the next three succeeding violations, $100 for the next three succeeding violations and $200 for all subsequent violations. The fine structure is based on the number of violations per calendar year. The fines apply provided the fine is paid within two weeks of service of the notice of violation. Otherwise, the amount of the fine is doubled.

(B) The fine imposed will be due and payable to the Town Clerk-Treasurer's office within two weeks of the citation date. In the event that a hearing on excuse was held, the fine will be due within two weeks of the date that the decision was made.
(Ord. 05-09, passed 2-7-2005)

Section

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95.07 Interference, coercion or intimidation
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95.09 Exemption
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CHAPTER 95: FAIR HOUSING

§ 95.01 POLICY STATEMENT.

It shall be the policy of the town to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, being 42 U.S.C. §§ 2000e et seq., the Federal Housing and Community Development Act of 1974, as amended, being 42 U.S.C. §§ 5401 et seq.,and I.C. 22-9.5-1 et seq.
(Ord. 97-8, passed 9-2-1997)

§ 95.02 DEFINITIONS.

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

AGGRIEVED PERSON. Any person who:

(1) Claims to have been injured by a discriminatory housing practice; or

(2) Believes that the person will be injured by a discriminatory housing practice that is about to occur.
(I.C. 22-9.5-2-2)

COMMISSION. The Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4 et seq.
(I.C. 22-9.5-2-3)

COMPLAINANT. A person, including the Commission, who files a complaint under I.C. 22-9.5-6.
(I.C. 22-9.5-2-4)

DISABILITY.

(1) With respect to a person:

(a) A physical or mental impairment which substantially limits one or more of a person's major life activities;

(b) A record of having an impairment;

(c) Being regarded as having an impairment;

(d) An impairment described or defined pursuant to the Federal Americans with Disabilities Act of 1990; and

(e) Any other impairment defined under I.C. 22-9.5-2-10.

(2) The term ***DISABILITY*** shall not include current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802; or does the term ***DISABILITY*** include an individual solely because that individual is a transvestite.
(I.C. 22-9.5-2-10(b) and 22-9.5-2-10(c))

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 95.04, 95.05, 95.06, 95.07 or 95.08 of this chapter or I.C. 22-9.5-5.

DWELLING. Any building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location of a building, structure or part of a building or structure, that is occupied as, or designed or intended for occupancy as a residence by one or more families.
(I.C. 22-9.5-2-8)

FAMILIAL STATUS. Discrimination on the basis of familial status means discrimination because the person is (1) pregnant; (2) domiciled with an individual under the age of 18 of age in regard to whom the person is (a) the parent or legal custodian or (b) has the written permission of the parent or leal custodian for domicile with that person; or (3) in the process of obtaining legal custody of an individual younger than 18 years of age.

FAMILY. Includes a single individual with the status of the ***FAMILY*** being further defined in the definition of familial status.
(I.C. 22-9.5-2-9)

PERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers and fiduciaries.
(I.C. 22-9.5-2-11)

TO RENT. Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises not owned by the occupant.
(I.C. 22-9.5-2-13)
(Ord. 97-8, passed 9-2-1997)

§ 95.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) below, § 95.09 and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth I.C. 22-9.5-5-1 and in § 95.04 shall apply to:

(A) All dwellings except as exempted by division (B) below and I.C. 22-9.5-3;

(B) Other than the provisions of division (C) below, nothing in § 95.04 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three single-family houses at any one time; provided that in the sale of a single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of the house prior to the sale, the exemption shall apply only to one sale within any 24-month period. The private individual owner may not own any interest in, nor have owned or reserved on his or her behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time. The sale or rental of any single-family house shall be excepted from application of this section only if the house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesperson, or any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent or salesman or person; or

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of § 95.04(C) of this chapter, but nothing

in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other professional assistance as necessary to perfect or transfer this title.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his or her residence.

(C) For the purposes of division (B) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.
(Ord. 97-8, passed 9-2-1997) Penalty, see § 95.99

§ 95.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 95.03 and except as exempted by §§ 95.03(B) and 95.09, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, disability or national origin;

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, disability or national origin;

(C) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, disability, familial status or national origin, or an intention to make the preference, limitation or discrimination;

(D) To represent to any person because of race, color, religion, sex, disability, familial status or national origin that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available;

(E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status or national origin; and/or

(F) (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(a) The buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person.

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a disability of:

(a) The person;

(b) A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or

(c) Any person associated with that person.

(3) For purpose of this division, discrimination includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or

(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in a manner that:

1. The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons;

2. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

3. All premises within the dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Light, switches, electrical outlets, thermostats and other environmental controls in accessible locations;

c. Reinforcements in bathroom walls to allow later installation of grab bars; and

d. Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements Americans with Disabilities Act of 1990, being 42 U.S.C. §§ 12101 et seq., and the American National Standard for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as "ANSI A117-1") suffices to satisfy the requirements of division (F)(3)(c)3 above.

(5) Nothing in this division requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.
(Ord. 97-8, passed 9-2-1997) Penalty, see § 95.99

§ 95.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available a transaction, or in the terms or conditions of a transaction, because of race, color, religion, sex, disability, familial status or national origin.

(B) As used in this section, the term ***RESIDENTIAL REAL ESTATE-RELATED TRANSACTION*** means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

(a) For purchasing, constructing, improving, repairing or maintaining a dwelling; or

(b) Secured by residential real estate.

(2) The selling, brokering or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, disability or familial status.
(Ord. 97-8, passed 9-2-1997) Penalty, see § 95.99

§ 95.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of access, membership or participation on account of race, color, religion, sex, disability, familial status or national origin.
(Ord. 97-8, passed 9-2-1997) Penalty, see § 95.99

§ 95.07 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 95.03, 95.04, 95.05 or 95.06.
(Ord. 97-8, passed 9-2-1997) Penalty, see § 95.99

§ 95.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

(A) Any person because of his or her race, color, religion, sex, disability, familial status or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

(B) Any person because he or she is or has been, or in order to intimidate the person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, sex, disability, familial status or national origin, in any of the activities, services, organizations or facilities described in division (A) above: and

(2) Affording another person or class of persons opportunity or protection so as to participate.
(Ord. 97-8, passed 9-2-1997)

§ 95.09 EXEMPTION.

(A) Exemptions defined or set forth under I.C. 22-9.5-3 et seq. shall be exempt from the provisions of this chapter to include those activities or organizations set forth under division (B) and (C) below.

(B) Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to those persons, unless membership in religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(C) (1) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, ***HOUSING FOR OLDER PERSONS*** means housing:

(a) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(b) Intended for, and solely occupied by, persons 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit.
(Ord. 97-8, passed 9-2-1997)

§ 95.10 ADMINISTRATION ENFORCEMENT OF CHAPTER.

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commission as set forth in division (B) hereof shall be vested in the chief executive officer of the town.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, the town, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complaints of violation of the articles of the Ordinance by complainants to the State Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to I.C. 22-9.5-6 and the Chief Elected Officer of the town shall refer all complaints to Commission as provided for under division (A) above to the Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. 22-9.5-6.

(C) All executive departments and agencies of the town, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the chief executive officer and the Commission to further those purposes.

(D) The chief executive officer of the town, or the chief executive officer's designee, shall provide information on remedies available to any aggrieved person or complainant requesting information.
(Ord. 97-8, passed 9-2-1997)

§ 95.99 PENALTY.

Any citizen because he or she is or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, familial status or national origin, in any of the activities, services, organizations or facilities described in § 95.08, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000, or imprisoned for not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.
(Ord. 97-8, passed 9-2-1997)

Section

96.01 Definitions
96.02 Prohibition

CHAPTER 96: CONSTRUCTION OF DRIVEWAYS

§ 96.01 DEFINITIONS.

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

DRIVEWAY. Any area that is used by the owner of any property to move or drive any motor vehicle from a dedicated street in the town onto private property. The ***DRIVEWAY*** shall be that area from a dedicated street to any garage, carport or area used to park the motor vehicle or to load and unload passengers or driver from the motor vehicle.

HARD SURFACE. A surface constructed of concrete or asphalt of a depth to support motor vehicles or crushed stone or gravel of a depth of four inches. Any crushed stone or gravel is to be dirt free and be of individual stones or rock of at least one-half inch in width and depth.

OFF-STREET PARKING AREA. The area on private property that is required by any ordinance of the town, to be set aside for the parking of motor vehicles.
(Prior Code, § 84.01) (Ord. 83-2, passed 6-6-1983)

§ 96.02 PROHIBITION.

From and after the effective date of this chapter, it shall be unlawful for the owner of any property in the town, to construct or place on any private property any driveway or off-street parking area, or to use any part of private property for any driveway or off-street parking area where the use was not the normal use thereof prior to the effective date of this chapter, without constructing, placing or so using the driveway or off-street parking area with a hard surface.
(Prior Code, § 84.02) (Ord. 83-2, passed 6-6-1983)
Penalty, see § 10.99