

**WILLIAMSPORT, INDIANA  
CODE OF ORDINANCES  
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**§ 10.01 TITLE**

The provisions embraced in this and following Chapters, Articles and Sections shall constitute and be designated “The Code of the Town of Williamsport, Indiana,” for which designation “Code of Ordinances,” “Code,” or “Williamsport Town Code” may be substituted.

(1985 Code, § 1-1-1)

**§ 10.02 DEFINITIONS AND RULES OF CONSTRUCTION**

In the construction of this Code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Town Council or the context clearly requires otherwise:

(A) Agency, when used to designate a subordinate element of government shall mean and be construed as including all offices, departments, institutions, boards, commissions, and corporations of the Town government and, when so specified, offices, departments, institutions, boards, commissions, and corporations which receive or disburse Town funds.

(B) Whenever the words “Board of Trustees,” “this Board,” “the Board” or “Town Council” are used, such words shall be construed to mean the governing body of the Town of Williamsport, Indiana.

(C) Computation of time when a statute requires a notice to be given, or any other act to be done, a certain time before any motion or proceeding, there must be that time, exclusive of the day for such motion or proceeding, but the day on which such notice is given, or such act is done, may be counted as part of the time, but when a statute requires a notice to be given or any other act to be done within a certain time after any event or judgment, that time shall be allowed in addition to the day on which the event or judgment occurred.

(D) Town shall mean and be construed as if the words “Williamsport, Indiana,” followed it.

(E) Definitions given within a Chapter shall apply only to words or phrases used in such Chapter unless otherwise provided.

(F) Designee following an official of the Town shall mean the authorized agent, employee, or representative of such official.

(G) Gender- a word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations, as well as to males.

(H) May- the word may is permissive and discretionary.

(I) Month shall mean a calendar month unless otherwise expressed.

(J) Number- a word importing the singular number only, may where the context requires, extend and be applied to several persons or things as well as to one person or thing; a word importing the plural number only, may, where the context requires, extend and be applied to one person or thing, as well as to several persons or things.

(K) Oath shall mean any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully and includes an affirmation or declaration in cases whereby law an affirmation may be substituted for an oath.

(L) Ordinances and resolutions shall mean the ordinances and resolutions of the Town of Williamsport and all amendments and supplements thereto.

(M) Person shall mean and extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

(N) Personal property shall mean any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property.

(O) Public place shall mean and include any public street, road, or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, stadium, athletic field, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any vacant lot, the elevator, lobby, halls, corridors and areas open to the public of any store, office, or apartment building or any other place commonly open to the public.

(P) Real property shall mean land, together with all things attached to the land so as to become a part thereof.

(Q) Registered mail shall include certified mail with return receipt requested.

(R) Shall, must- the words shall or must are mandatory.

(S) Signature and subscription shall mean the name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him.

(T) State shall mean the State of Indiana.

(U) Words and phrases shall mean and be construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such meaning.

(V) Year shall mean a calendar year unless otherwise expressed.

(1985 Code, § 1-1-2)

### **§ 10.03 ACTS BY DEPUTY OF DESIGNEE**

Whenever a power is granted to or a duty is imposed upon a public officer or employee, the power may be performed by any authorized deputy or designee or by any person duly authorized, unless this Code expressly provides otherwise.

(1985 Code, § 1-1-3)

### **§ 10.04 CODE PROVISIONS AS CONTINUANCE OF EXISTING ORDINANCES**

The provisions appearing in this Code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the Town and existing at the effective date of this Code, shall be considered as restatements and continuations thereof and not as new enactments.

No new ordinance shall be construed to repeal a former ordinance, as to any offense committed against the former ordinance, or as to any act done, any penalty, forfeiture, or punishment incurred, or any right accrued, or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture, or punishment so incurred or any right accrued, or claim arising before the new ordinance takes effect; save only that the proceedings thereafter had shall conform, so far as practicable, to the ordinances in force at the time of such proceedings; and if any penalty, forfeiture, or punishment be mitigated by any provisions of the new ordinance, such provision may, with the consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.

(1985 Code, § 1-1-4)

**§ 10.05 EFFECT OF REPEAL OF ORDINANCES; REVIVAL**

Neither the adoption of this Code nor the repeal hereby of any ordinance of the Town shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty at the effective date due and unpaid under such ordinance, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereof appertaining shall continue in full force and effect.

Whenever any ordinance repealing a former ordinance, clause or provision is repealed, such repeal shall not be construed as reviving such former ordinance, clause or provision, unless expressly provided therein.

(1985 Code, § 1-1-5)

**§ 10.06 REFERENCES INCLUDE AMENDMENTS AND PENALTIES; CONSTRUCTION**

Any reference in this Code to an ordinance or provision of this Code shall mean such ordinance or provision as may now exist or as hereafter amended.

Any reference in this Code to Chapters, Sections shall be to the Chapters and Sections of this Code unless otherwise specified.

Any reference to any amendment of any Section of this Code containing provisions for which a penalty is provided in another Section, the penalty so provided in such other Section shall be held to relate to the Section so amended or the amending Section whether reenacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

(1985 Code, § 1-1-6)

**§ 10.07 CONFLICTING PROVISIONS**

If the provisions of different Chapters, or Sections of this Code conflict with or contravene each other, the provisions of each Chapter, or Section shall prevail as to all matters and questions growing out of the subject matter of that Chapter, or Section.

If clearly conflicting provisions are found in different Sections of the same Chapter, the provisions of the Section last enacted shall prevail unless the construction is inconsistent with the meaning of that Chapter.

(1985 Code, § 1-1-7)

**§ 10.08 CATCHLINES AND HEADINGS; CONSTRUCTION**

All designations and headings of Chapters, and Sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such Chapters, or Sections, whether printed in boldface type or italics. They shall not be deemed or taken to be any part or title of such Chapters, Sections; nor unless expressly so provided, shall they be so deemed upon amendment or reenactment; nor shall they be construed to govern, limit, modify, alter or in any other manner affect the scope, meaning or intent of any of the provisions of this Code.

(1985 Code, § 1-1-8)

**§ 10.09 UNLAWFUL OR PROHIBITED ACTS INCLUDE CAUSING, PERMITTING OR CONCEALING**

Whenever in this Code any act or omission is made unlawful or prohibited it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

(1985 Code, § 1-1-10)

**§ 10.10 CODE SEVERABILITY**

It is declared to be the intention of the Town Council that the Sections, Subsections, paragraphs, sentences, clauses, phrases and words of this Code are severable. If any Section, Subsection, paragraph, sentence, clause, phrase or word is declared unconstitutional or otherwise invalid by the lawful judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining Sections, Subsections, paragraphs, sentences, clauses, phrases and words of this Code, since the same would have been enacted by the Town Council without and irrespective of any unconstitutional or otherwise invalid Section, Subsection, paragraph, sentence, clause, phrase or word being incorporated into this Code.

(1985 Code, § 1-1-11)

*(Statutory Reference: I.C. § 36-1-3-8(a)(10))*

**§ 10.99 PENALTY**

(A) For the above violations, the violator may admit the violation before the Clerk-Treasurer who shall serve as violations clerk, and pay the civil penalty described in this Section in lieu of the filing of an ordinance violation. The maximum civil penalty which may be paid to the violations clerk is \$250.00. All penalties paid will be added to the General Fund. In the event the violator does not wish to admit the violation and pay the civil penalty, or in the event that the civil penalty exceeds \$250.00, the violation will be filed in court, and the civil penalty described in this section will be assessed upon judgment of an ordinance violation by the court.



(B) In all cases where the same offense is made punishable or is created by different clauses or sections of an ordinance the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever a minimum but not maximum fine or penalty is imposed, the court may in its discretion fine the offender any sum exceeding the minimum fine or penalty so imposed but not exceeding one thousand dollars.

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of an ordinance, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be fined not more than one thousand dollars for each offense.

(Ordinance No. 2015-4, passed April 1, 2015)

(C) *Specific Penalties.*

(1) For violations of §34.02, Rules for the Williamsport Parks:

(a) Any person, firm or corporation violating any provision of this section shall be fined One Hundred Dollars (\$100.00).

(b) A separate offense will be deemed committed on each day during or on which a violation occurs or continues.

(1985 Code, Ch. 23)

(2) For violations of §54.01, Garbage and Rubbish Collection:

(a) Any person, firm or corporation violating any provision of this section shall be fined Fifty Dollars (\$50.00).

(b) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1985 Code, Ch. 107, Ordinance No. 1998-5, passed August 3, 1998, amended by Ordinance No. 2020-1203, passed December 3, 2020)

(3) For violations of §70.01, Parking Rules:

(a) Any person, firm or corporation violating any provision of this section shall be fined Twenty-five Dollars (\$25.00).

(Ordinance No. 2007-8, passed October 1, 2007; Ordinance No. 1998-11, passed November 2, 1998)

(4) For violations of §71.01, Snow Emergency Routes:

(a) Any person, firm or corporation violating any provision of this section shall be fined One Hundred Dollars (\$100.00).

(b) A separate offense will be deemed committed on each day during or on which a violation occurs or continues.

(1985 Code, Ch. 82)

(5) For violations of §73.01, Extreme Sports Equipment:

(a) Any person violating this section shall be fined Twenty-five Dollars (\$25.00).

(b) A separate offense will be deemed committed on each day during or on which a violation occurs or continues.

(Ordinance No. 2003-2, passed January 2, 2003; amended by Ordinance No. 2020-1203, passed December 3, 2020)

(6) For violations of §74.01 Golf Carts:

(a) Any person violating this section shall be fined Fifty Dollars (\$50.00).

(b) A separate offense will be deemed committed on each day during or on which a violation occurs or continues.

(1985 Code, Ch. 88, Ordinance 2011-3, passed June 1, 2011, amended by Ordinance No. 2020-1217, passed December 17, 2020)

(7) For violations of §74.02 Off Road Vehicles:

(a) Any person violating this section shall be fined Fifty Dollars (\$50.00).

(b) A separate offense will be deemed committed on each day during or on which a violation occurs or continues.

(Ordinance No. 2020-0507B, passed May 7, 2020)

(8) For violations of § 90.02, Animals:

(a) Any person found violating this chapter relating to the prohibition against dogs and cats running at large shall be punished by a fine of

Twenty-five Dollars (\$25.00).

(b) The first offense for any other violation of this chapter will be fined Fifty Dollars (\$50.00) for each offense.

(c) A separate offense will be deemed committed on each day during or on which a violation occurs or continues.

(Ordinance 1993-3, amended by Ordinance No. 1997-6, amended by Ordinance No. 1998-10, amended by Ordinance No. 2013-11, passed September 3, 2013, amended by Ordinance No. 2020-1217, passed December 17, 2020, amended by Ordinance No. 2022-0915, passed September 15, 2022)

(9) For violations of §90.03, Nuisances on Private Property:

(a) Any person, firm or corporation violating any provision of this ordinance shall be fined One Hundred Dollars (\$100.00) for each offense.

(b) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Chapter 103, 1985 Code, amended by Ordinance No. 2008-11, passed November 3, 2008, amended by Ordinance No. 2020-1217, passed December 17, 2020, amended by Ordinance No. 2022-0915, passed September 15, 2022)

(10) For violations of §90.03(E), Burning:

(a) Any person or entity violating any provision of this section shall, upon conviction, be fined One Hundred Dollars (\$100.00) for each offense.

(b) Each day during which a violation of this ordinance takes place shall be deemed to be a separate violation.

(Chapter 106, 1985 Code, repealed by Ordinance No. 1999-1, passed June 1, 1999, amended by Ordinance No. 2020-1217, passed December 17, 2020)

(11) For violations of §90.04, Abandoned and Junk Vehicles:

(a) Any person found violating this section shall be punished by a fine of Two Hundred Fifty Dollars (\$250.00).

(b) A separate offense will be deemed committed on each day during or on which a violation occurs or continues.

(Chapter 86.5, 1985 Code, amended by Ordinance No. 2006-4, passed August 1, 2006, amended by Ordinance No. 2020-1217, passed December 17, 2020, amended by Ordinance No. 2022-0915, passed September 15, 2022)

(12) For violations of §91.01, Sidewalks:

(a) Any person, firm or corporation violating any provision of this ordinance shall be fined Fifty Dollars (\$50.00) for each offense.

(b) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Chapter 107, 1985 Code, amended by Ordinance No. 1998-6, passed August 3, 1998, amended by Ordinance No. 1998-12, passed December 1, 1998, amended by Ordinance No. 1999-5, passed December 1, 1999, amended by Ordinance No. 2007-1, passed September 4, 2007, amended by Ordinance No. 2020-1217, passed December 17, 2020)

(17) For violations of §112.01, Itinerant Merchants:

(a) Any person, firm or corporation violating any provision of this ordinance shall be fined One Hundred Dollars (100.00) for each offense.

(b) A separate offense will be deemed committed on each day during or on which a violation occurs or continues.

(Chapters 25, 26 and 27, 1985 Code, repealed and replaced by Ordinance No. 2020-0702C, passed July 2, 2020)

(18) For violations of §113.01, Fair Competition:

(a) The fine shall be One Hundred Dollars (\$100.00) for any person, firm, or corporation found violating this chapter.

(b) A separate offense will be deemed committed on each day during or on which a violation occurs or continues.

(Ordinance 2014-7, passed October 1, 2014)

(19) For violations of §130.01, Curfew:

(a) Any person found violating this chapter shall be punished by a fine of Fifty Dollars (\$50.00).

(b) A separate offense will be deemed committed on each day during or on which a violation occurs or continues.

(Ordinance No. 1998-9, passed October 1, 1998; amended by Ordinance No. 2001-4; amended by Ordinance No. 2003-4, passed August 4, 2003; amended by Ordinance 2012-9, passed September 4, 2012; amended by Ordinance No. 2019-0703A, passed July 3, 2019)

(20) For violations of §133.01, Loitering and Unlawful Assembly:

(a) Any person found violating this chapter shall be punished by a fine of Fifty Dollars (\$50.00).

(b) A separate offense will be deemed committed on each day during or on which a violation occurs or continues.

(Ch. 81, 1985 Code; amended by Ordinance 2006-6, passed October 1, 2006)

***Cross-reference:***      *Violations Clerk, see § 31.15*

***Statutory reference:***    *see I.C. 33-36-2-2, 33-36-2-3, 33-36-3-1, 36-1-3-8(a)(10)*

**TITLE III: ADMINISTRATION**

- 30. TOWN COUNCIL**
- 31. TOWN BOUNDARY**
- 32. TOWN EMPLOYEES**
- 33. FIRE DEPARTMENT**
- 34. PARK AND RECREATION**
- 35. TOWN ELECTIONS**
- 36. CLERK-TREASURER**
- 37. FINANCIAL**

## **CHAPTER 30: TOWN COUNCIL**

### Section

30.01 Town Council

### **§ 30.01 TOWN COUNCIL**

(A) The three-member Town Council of Williamsport, Indiana, under IC 36-5-1-1 et seq. is the town legislative body.

(B) Regular meetings of the legislative body shall be held the third Thursday of each month at 6:00 P.M. in the Town Hall, unless otherwise specified by the Town Council.

(C) Special meetings may be called by the legislative body if the public interest requires.

(Ordinance No. 2015-5, passed April 1, 2015)

## **CHAPTER 31: TOWN BOUNDARY**

### Section

31.01 Repealed.

### **§ 31.01 TOWN BOUNDARY**

Repealed.

(Ordinance No. 1992-3; Ordinance No. 2015-7, passed April 1, 2015; repealed by Ordinance No. 2022-0721, passed July 21, 2022)



## CHAPTER 32: TOWN EMPLOYEES

### Section

- 32.01 Town Employees
- 32.02 Town Marshal
- 32.03 Marshal Reserve Program
- 32.04 Bonding of Town Officials

### § 32.01 TOWN EMPLOYEES

The Town Employees shall have such benefits as are voted by the Council from time to time.

(Ordinance No. 2015-8, passed April 1, 2015)

### § 32.02 TOWN MARSHAL

The number of deputy marshals for the Town shall be determined by the Town Marshal and approved by the Town Council.

(1985 Code; amended by Ordinance No. 2022-0721, passed July 21, 2022)

### § 32.03 MARSHAL RESERVE PROGRAM

(A) The Town Marshal is authorized to create and operate a Town Marshal Reserve Program at the discretion of the Town Marshal.

(B) A Reserve Marshal shall be a law enforcement officer for the Town and is empowered by the Town to enforce Ordinances and exercise all law enforcement powers, to the fullest extent of the laws of the State of Indiana and the United States.

(C) The Town Marshal shall insure that all Reserve Marshals comply with the requirements of the Indiana Law Enforcement Academy.

(D) A Reserve Marshal shall be an unpaid employee for the Town and shall not be entitled to compensation for his services or entitled to benefits.

(E) The Town Marshal shall create a policy to determine the eligibility requirements for such applicants and to regulate their hiring and employment.

(F) As a volunteer, the Reserve Marshal is employed at the will of the Town Marshal and the Town.

(Ordinance No. 2020-0702, passed July 2, 2020)

§ **32.03 BONDING OF TOWN OFFICIALS**

(A) The Town Council authorizes the Clerk-Treasurer to purchase a blanket bond for the employees of each department that:

1. is endorsed to include the faithful performance
2. includes aggregate coverage sufficient to provide amounts specified for all employees, commission members, and persons acting on behalf of the local governmental unit, including the officers, employees, and contractors described in IC 5-4-1-1B(a) who are required to file a bond thereunder.

(B) The minimum bond amount for public officials set forth under IC 5-4-1-1B(d)(1) and (2) including that for the town clerk-treasurer as well as those employees directed to file an individual bond by the fiscal body, is fixed as follows:

1. The amount must equal thirty thousand dollars (\$30,000.00) for each one million dollars (\$1,000,000.00) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).
2. The amount may not be less than thirty thousand dollars (\$30,000.00) nor more than three hundred thousand dollars (\$300,000.00) unless the Town Council approves a greater amount for the offices.

(Ordinance No. 2016-1, passed February 1, 2016)

## CHAPTER 33: FIRE DEPARTMENT

### Section

- 33.01 Fire Department
- 33.02 Mutual Aid
- 33.03 Equipment Debt Service Fund

### § 33.01 FIRE DEPARTMENT

(A) There is hereby created and established a fire department, consisting of a chief, and such other members of said fire department as may from time to time be provided for by the Council. Members shall be appointed in the manner provided by law.

(B) The fire chief shall have the control, subject to the order and direction of the Council, of the fire department and all fire apparatus belonging to the town; whenever any fire apparatus needs repairing said fire chief shall cause the same to be done without delay.

(C) In case of fire, the fire chief and his assistants shall rank in the order named and the officer of the highest rank at the fire shall take command of the fire department, and direct the management thereof for the suppression of the fire, in the best manner possible; and when it may be necessary for the protection of other property and to prevent the spread of the conflagration, the officer in command may cause buildings to be removed, torn down, or destroyed in the best manner possible.

(D) The fire department shall operate with a structure of succession of officers: one (1) Chief, one (1) Assistant Chief, three (3) Captains and three (3) lieutenants. Members of the fire department may, at the Chief's discretion, become reserve or inactive members.

(E) The fire department shall consist of so many members as may be decided upon by the Council. The fire department may have any organization approved by the Council, and may hold meetings and engage in social activities with the approval of the Council. When determining whether to add additional members to the fire department or promote members from within the fire department, the fire department may make a recommendation to the Council, though the Council will be the ultimate authority on such matters.

(F) The fire department shall be a unit of the Town of Williamsport local government operated by volunteers that provide fire suppression and lifesaving assistance for emergency and non-emergency situations including, but not limited to: structure fires, fire alarms, vehicle fires and crashes, vegetation and wild land fire and medical emergencies. The fire department may also respond to mass casualty incidents and severe weather incidents.

(G) It shall be and hereby is declared unlawful for any non-employee or civilian to enter the fire department house or any place where the equipment and apparatus of the fire department is stored, at any time, except on business pertaining to the fire department or other town business.

(H) Members of the fire department are authorized to go outside the corporate limits of

the town for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering aid in the case of accidents. Provided, that the fire department shall not render such service outside the corporate limits excepting upon orders of the chief of the fire department, the assistant chief or the Town Council or a member thereof, excepting that where the town has undertaken by contract to render service to property outside the corporate limits the fire department may leave the corporate limits in the fulfillment of such contract.

(I) The fire chief shall keep or cause to be kept a record of all meetings of the company and the attendance of the members, a record of all fires, and, during the first quarter of each year, file with the town clerk a full report of such records and attendance and fires, which report shall be under oath.

(J) Any fireman in attendance at a fire who shall neglect or refuse to obey the orders of the officer in command at such fire may be subject to internal discipline.

(Chapter 5 of the 1985 Code, amended by Ordinance No. 2015-9, passed April 1, 2015, amended by Ordinance No. 2020-1217, passed December 17, 2020)

## § 33.02 MUTUAL AID

(A) The following terms are defined as follows:

1. Municipality: A city, town, village or incorporated fire protection district;
2. Mutual fire aid program: A plan or program as provided for in this ordinance whereby the municipalities participating in the program agree to come to one another's assistance in case of fire or other disaster too large for local equipment and personnel to handle.
3. Participating municipality: A municipality that participates in the mutual fire aid program by adopting an ordinance authorizing or approving the program and entering into an appropriate agreement (substantially as provided herein) with other participating municipalities for rendering and receiving first aid in case of fire or other disaster.
4. Stricken municipality: A participating municipality in which a fire or other disaster occurs that is of such magnitude that it cannot be adequately coped with by local fire-fighting equipment and personnel.
5. Aiding municipality: A municipality furnishing fire equipment to a stricken municipality, or to another aiding municipality.

(B) The chief of the fire department, with the approval of the Board, is authorized on behalf of the town to enter into (and from time to time alter and amend) an agreement with any or all of the municipalities in the mutual aid area defining and putting into effect a mutual aid program providing generally as follows:

1. In the event that, in the judgment of the officer in charge of the fire department of a stricken municipality, the available fire-fighting equipment of that municipality is inadequate to effectively cope with a fire or other disaster therein, said officer may call on a neighboring participating municipality to furnish fire-fighting equipment and personnel (to the extent specified in the agreement) to the stricken municipality, for use, either (1) in combating the fire or other casualty, or (2) as a standby reserve to meet other calls that may occur before the local

fire- fighting equipment is free to take care of them.

2. Each aiding municipality furnishing fire-fighting equipment to a stricken municipality shall have the right to call on another participating municipality for fire-fighting equipment and personnel (to the extent specified in the agreement) as a standby reserve to take the place, in part, of the equipment furnished to the stricken municipality until such equipment shall be returned.

3. On receipt of a call under paragraph (a) or (b) above, the aiding municipality called upon shall (to the extent provided in the agreement) furnish the equipment and personnel called for by the stricken municipality, or by the first aiding municipality except that each aiding municipality may always be permitted to retain sufficient fire-fighting equipment and personnel to fight any fire or to meet any emergency within its own boundaries that may reasonably be anticipated.

(C) The chiefs of the fire departments of the municipalities participating in such mutual aid shall prepare a mutual aid program which shall incorporate the necessary provisions of this article. Such mutual aid program shall, after approval by the corporate authorities of the municipalities participating, be in full force and effect and binding on such participating communities.

(D) The town shall furnish fire-fighting equipment and personnel for use outside its boundaries, as provided in the tentative mutual fire aid program as provided for herein, or in any mutual fire aid program agreed to as provided herein, to any municipality that has agreed to conform to said program and has assumed the obligations imposed upon it thereby.

(Chapter 5, 1985 Code)

### § 33.03 FIRE EQUIPMENT DEBT SERVICE FUND

(A) The Clerk-Treasurer is authorized to establish a debt service fund on the records of the Town designated "Fire Equipment Debt Service Fund" (the "Debt Service Fund"). The Debt Service Fund shall be utilized only for the repayment of amounts due on loans obtained for the purchase of firefighting equipment.

(B) Revenues for the Debt Service Fund shall be derived from transfers of funds in accordance with Ordinance No. 97-8 adopted by the Town Council on November 3, 1997, or from any other sources the Town Council determines to be appropriate. The Clerk-Treasurer is authorized to make such transfers on a monthly or other acceptable basis from the Town General Fund in accordance with Ordinance No. 97-8 and requirements of RECD. Interest earnings on the investment of funds in the Debt Service Fund shall not revert to the Town General Fund at the end of the year but shall remain as part of the Debt Service Fund.

(C) Upon payment of all fire equipment loans payable from the Debt Service Fund the balance in said fund shall be returned to the Town General Fund.

(Ordinance No. 1998-1)

## CHAPTER 34: PARKS AND RECREATION

### Section

- 34.01 Park and Recreation Board
- 34.02 Rules for the Park
- 34.03 Repealed.

### § 34.01 PARK AND RECREATION BOARD

- (A) There is hereby created pursuant to IC 36-10-3 et seq, a park and recreation board.
- (B) The Board shall consist of four (4) members appointed by the Town Council. The members shall be appointed based on their interest in and knowledge of parks and recreation. Members of the Board must be residents of the district.
- (C) The Town Council waives the requirements that a member of the board be affiliated with a political party and that not more than two (2) of the four (4) members of the board be affiliated with the same political party.
- (D) A member of the Town Council may not serve as a member of the Park and Recreation Board.
- (E) Initial appointments to the Park and Recreation Board are as follows:
  - One (1) member for a term of one (1) year
  - One (1) member for a term of two (2) years
  - One (1) member for a term of three (3) years
  - One (1) member for a term of four (4) yearsAs a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday of January, but a member continues in office until his successor is appointed. If a vacancy on the board occurs, the Town Council shall appoint a person to serve for the remainder of the unexpired term.
- (F) All meetings of the board are open to the public. The board shall fix the time and place of its regular meetings, but it shall meet at least quarterly.
  - 1. At its first regular meeting each year the board shall elect a president and a vice president. The vice president may act as president during the absence or disability of the president. The board may elect a secretary either from within or outside its membership.
  - 2. A majority of the members constitutes a quorum. Action of the board is not official unless it is authorized by at least three (3) members present and acting.
- (G) The members of the board may receive a salary in an amount fixed by the Town Council.
- (H) The Town Council shall provide suitable quarters for holding meetings and conducting the work of the board.

(I) The board shall, with the approval of the Town Council:  
1. establish rules governing use of the park and recreation facilities by the public;  
2. make recommendations and an annual report to the Town Council concerning the operation of the board and the status of park and recreation programs; and  
3. prepare and submit a proposed annual list of desired purchases and expenditures which shall, at the discretion of the Town Council, be included in its annual budget for the Parks Department.

(J) The board shall, with the approval of the Town Council:  
1. enter into contracts and leases for facilities and services;  
2. acquire and dispose of real and personal property;  
3. contract for special and temporary services and for professional assistance;  
4. prepare, publish and distribute reports and other materials relating to activities authorized by the board.

(K) The board may accept gifts, donations and subsidies for park and recreation activities. However, a gift or transfer of property to the board may not be made without its approval.

(L) Park and recreation facilities and programs shall be made available to the public free of charge as far as possible.

(Ordinance No. 2015-2, passed February 2, 2015, repealing Ordinance No. 2007-13, passed December 3, 2007; repealing Ordinance No. 1996-3, amended by Ordinance No. 2022-0721, passed July 21, 2022, further amended by Ordinance No. 2022-0915, passed September 15, 2022)

## § 34.02 RULES FOR THE WILLIAMSPORT PARKS

(A) Park hours shall be from 6:00 AM to 11:00 PM.

(B) Smoking, vaping, e-cigarette use, and chewing tobacco shall be prohibited.  
(*Ordinance 2019-0703A*)

(C) Drugs and alcohol shall be prohibited.

(D) Fires not contained in a grill for cooking purposes shall be prohibited.

(E) Littering, dumping and defacing property shall be prohibited.  
(*Ordinance 2008-10*)

(F) Owners must leash their dogs and waste must be promptly picked up and properly disposed.  
(*Ordinance 2013-11*)

- (G) Pedestrians have the right of way.
- (H) Camping on park premises shall be prohibited.
- (I) Excessive noise on park premises shall be prohibited. (*Ordinance 2007-9*)
- (J) Fireworks are prohibited unless a permit is obtained. (*Ordinance 2008-5*)
- (K) Penalty, see §10.99.

(Ordinance No. 1981-1, passed June 1, 1981; amended by Ordinance No. 2019-1107, passed November 7, 2019)

### **§ 34.03 PROTECTING PARKS AND PARKWAYS**

Repealed.

(Ordinance No. 2006-5, passed September 5, 2006; amended by Ordinance No. 2008-2, passed January 2, 2008; amended by Ordinance No. 2008-5, passed April 1, 2008; repealed by Ordinance No. 2022-0721, passed July 21, 2022)



## CHAPTER 35: TOWN ELECTIONS

### Section

- 35.01 Town Elections
- 35.02 Abolishing Legislative Body Districts

### § 35.01 TOWN ELECTIONS

At the time of election of the Town Council, there shall be elected for the town, for a full term as provided by law, the following officers: a clerk-treasurer; three members of the Town Council.

The ballot for such election shall be in the form prescribed by statute and the said election shall be conducted in compliance with the general election laws.

The members of the Town Council shall be elected at large by the voters of the whole town.

(1985 Code)

### § 35.02 ABOLISHING LEGISLATIVE BODY DISTRICTS

All Town legislative body districts either have or hereby are abolished; all members of the legislative body are to be elected at large by the voters of the whole Town.

(Ordinance No. 1990- , passed November 1, 1990)

## CHAPTER 36: CLERK-TREASURER

Section:

36.01 Ordinance Violations Clerk

### § 36.01 ORDINANCE VIOLATIONS CLERK

(A) The Clerk-Treasurer, and his or her deputies, is designated as Violations Clerk, pursuant to Indiana Code § 33-36-2-2, and he or she is authorized to take all actions permitted under Indiana Code 33-36-2, et seq. and 33-36-3, et seq.

(B) The violations clerk may accept:

1. written appearances;
2. waivers of trial;
3. admissions of violations; and
4. payment of civil penalties up to a specific dollar amount set forth in an ordinance adopted by the Town Council, but not more than two hundred fifty dollars (\$250.00) in ordinance violation cases, subject to the schedule prescribed under IC 33-36-3 by the Town Council.

(C) The schedule of ordinance and code provisions listed in Section 10.99 are subject to admission of violation before the violations clerk, and the amount of civil penalty to be assessed to a violator who elects to admit a violation are set forth in Section 10.99.

(D) If a person:

1. denies an ordinance or code violation;
2. fails to satisfy a civil penalty assessed by the violations clerk after having entered an admission of violation; or
3. fails to deny or admit the violation;

the Clerk shall report this fact to the official having the responsibility to prosecute ordinance violation cases for the municipal corporation pursuant to I.C. §33-36-3-5. Proceedings in court against the person shall then be initiated for the alleged ordinance violation.

(Ordinance No. 2020-0604, passed June 4, 2020)

## CHAPTER 37: FINANCIAL

### Section

- 37.01 Purchasing Policy
- 37.02 Promotion of Town Business
- 37.03 Expenditure of Court Fees
- 37.04 Inventories of Fixed Assets
- 37.05 Cash Policy
- 37.06 Credit Card Policy
- 37.07 Capital Asset Policy

### § 37.01 PURCHASING POLICY

#### (A) Purchasing Agent; Duties and Powers.

1. The Town Council shall be the Purchasing Agency for the Town.

2. The Purchasing Agent shall be the Clerk-Treasurer, who may delegate authority to the department heads of the Town for Small Purchases as defined below. The Purchasing Agent shall:

a. Assume the duties, powers and responsibilities assigned to a Purchasing Agent in I.C. 5-22 and establish small purchases policy for purchases not governed by I.C. 5-22.

b. Act as the sole agent in obtaining materials, supplies, equipment, repairs, maintenance or other contractual services for all Town departments and divisions, municipally-operated utility, or any board, commissioner, officer or person otherwise empowered by law to make purchase of materials, equipment, goods, supplies and property of whatever description for the Town. Any such department or division shall requisition such materials, supplies, equipment or services from the Purchasing Agent who shall, upon determining that appropriations are available for such purposes, acquire the items requisitioned in accordance with public purchase law. All contracts of purchase shall be made in the name of the Town department or division and be subject to the approval of the department or division.

c. Establish such purchasing and contractual procedures as may best be suited to obtain the greatest economic value to the Town.

d. Prepare specifications and notice to bidders and see that the required notices are published, where bidding and publication of notices are required by law.

e. Cooperate and consult with the Clerk-Treasurer for the purpose of ensuring that adequate funds are available prior to making necessary purchases and acquisitions to assure they are within the limits of the budget appropriations of the department or division in need of the material.

f. Act as the agent of the Town to sell or exchange any personal property ordered to be sold by the Town Council in accordance with procedures prescribed by law.

(B) Delegation. The Purchasing Agent may designate in writing that an employee of the Town is a Purchasing Agent.

#### (C) Restrictions on Purchases.

1. Purchases shall be made in accordance with the restrictions on purchases as

stated in I.C. 5-22-11, et seq. regarding purchases from the Department of Corrections and in I.C. 5-22-12, et seq. regarding purchases of Rehabilitation Center Products.

2. Supplies manufactured in the United States shall be specified for all Town purchases and shall be purchased unless the Town determines that:

a. The supplies are not manufactured in the United States in reasonably available quantities;

b. The prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;

c. The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

d. The purchase of supplies manufactured in the United States is not in the public interest.

(D) Improper Purchases. Any purchase made in violation of this Section, or the purchasing procedures established by the Purchasing Agent shall be null and void.

(E) Emergency Purchases. Upon declaration of any emergency, the Purchasing Agent or designee as defined in I.C. 5-22, may purchase repairs and purchase or lease materials without giving notice, receiving bids or obtaining Council approval, so long as the procedures outlined in I.C. 5-22 are followed.

(F) Small Purchases.

1. Subject to the limitations contained in I.C. 5-22, if the Purchasing Agent expects a purchase to be less than Fifty Thousand Dollars (\$50,000), the Purchasing Agent may make the purchase of supplies, including goods and services, without inviting bids or receiving quotes, subject to approval by the Town Council.

2. If the Purchasing Agent expects a purchase to be at least Fifty Thousand Dollars (\$50,000) and not more than One Hundred Fifty Thousand Dollars (\$150,000), subject to approval by the Town Council:

a. The Purchasing Agent may purchase supplies, including goods and services, by inviting bids from at least three (3) persons known to deal in the lines or classes of supplies to be purchased.

b. The Purchasing Agent shall mail an invitation to quote to such persons at least seven (7) days before the time fixed for receiving quotes.

c. If the Purchasing Agent receives a satisfactory quote, the Purchasing Agent shall award a contract to the lowest responsible and responsive offeror for each line or class of supplies required.

d. The Purchasing Agent may reject all quotes.

e. If the Purchasing Agent does not receive a quote from a responsible and responsive offeror, the Purchasing Agent may purchase the supplies under I.C. 5-22-10-10.

(G) Purchasing Requiring Prior Approval; De Minimis Purchases.

1. The Purchasing Agent or his or her designee may make purchases for and on behalf of the Town in the amount of One Thousand Dollars (\$1000.00) or more only by

submitting the requested purchase to and receiving the approval of the Town Council as Purchasing Agency in advance.

2. The Purchasing Agent or his or her designee may make purchases for and on behalf of the Town if under One Thousand Dollars (\$1000.00), or in the event of an emergency, without prior approval of the Town Council, so long as receipts or invoices for the purchase are presented to the Town Council for approval and ratification by the Town Council at its next regularly scheduled meeting.

3. The Purchasing Agent or his or her designee may make purchases for and on behalf of the Town if over One Thousand Dollars (\$1000.00), without prior approval of the Town Council for the following items, so long as receipts or invoices for the purchase are presented to the Town Council for approval and ratification by the Town Council at its next regularly scheduled meeting:

- a. Fuel; or
- b. Vehicle or equipment repair.

(Ordinance No. 1998-7, passed August 3, 1998; amended by Ordinance No. 2015-6, passed April 1, 2015, amended by Ordinance No. 2021-0401, passed April 1, 2021)

## **§ 37.02 PROMOTION OF TOWN BUSINESS**

(A) The Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses of or to reimburse the town officials, as the case may be, for expenses incurred in promoting the best interest of the Town.

(B) Such expenses may include, but not necessarily be limited to: meals, awards to employees or citizens, promotions, rental of meeting places, decorations, memorabilia, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial and residential development, expenses incurred in developing relations with other units of government and any other expenses of a civic or governmental nature deemed by the town council to be in the best interest of the town.

(C) Such expenses shall not exceed the sum of One Thousand Dollars (\$1,000.00) annually.

(Ordinance No. 2000-1, passed April 3, 2000)

## **§ 37.03 EXPENDITURE OF COURT FEES**

(A) All monies paid to the Town by the Warren Circuit Court for Town Court Costs and Town User Fees shall be deposited in a special fund entitled Court Fees.

(B) All expenditures made from the Court Fees Fund shall be by the Town Marshal with the approval of the Town Council.

(C) The expenditures from the Court Fees Fund shall be for education of the Town Marshal, deputies or staff, purchase of equipment for the Town Marshal's department, or the expense of programs put on or sponsored by the department.

(Ordinance No. 2000-2, passed April 3, 2000)

#### § 37.04 INVENTORIES OF FIXED ASSETS

(A) The Town shall have a complete inventory of all fixed assets that reflect their acquisition value. Fixed assets are items that have value but are not consumed. Such inventory shall be recorded in the General Fixed Asset Group Ledger, City and Town Form 211, segregated by departments of the town, i.e. fire department, police department, park department, street department, etc. Water, electric and sewage utilities shall be inventoried separately showing fixed assets belonging to each utility. A complete inventory shall be taken once a year, at the end of the calendar year.

(B) The records of the Town shall reflect land owned, its location, its acquisition date, and the cost (purchase price). If the purchase price is not available, appraised value may be used.

(C) A fixed asset account for buildings shall reflect the location of each building and the cost value (the purchase price or construction cost) and, if improvements are made to the buildings, the cost of such improvements included. If a building is acquired by gift, the account shall reflect its appraised value at the time of acquisition.

(D) A fixed asset account shall reflect the acquisition value of permanent improvements, other than buildings, which have been added to the land. Examples of such improvements are fences, retaining walls, sidewalks, gutters, tunnels and bridges. The improvements are to be valued at the purchase price or construction cost.

(E) Tangible property of a permanent nature, other than land, buildings and improvements, shall be inventoried. Examples include machinery, trucks, cars, furniture, typewriters, adding machines, calculators, bookkeeping machines, data processing equipment, desks, safes, cabinets, etc. The value of such items shall be carried in the inventory at the purchase cost.

The Town hereby sets a capitalization policy and establishes the sum of two thousand five hundred dollars and no cents (\$2,500.00), as a minimum threshold that shall be used to determine which equipment items will be recorded. If the purchase price of an item of equipment is below that threshold the item need not be inventoried.

(F) Where construction work has not been completed in the current calendar year, the cost of the project shall be carried as "construction work in progress". When the project is completed, it will be placed on the inventory applicable to the assigned asset accounts.

(G) When it is not possible to determine the historical costs of fixed assets owned by the town, an estimate of the replacement costs of these assets shall be made by multiplying the

estimated replacement costs by the factor for the year of acquisition from the Table of Cost Indexes. The estimated replacement cost can be obtained from insurance policies or by computation.

(Ordinance No. 2003-6, passed October 1, 2003)

## § 37.05 CASH POLICY

### (A) Receiving and Processing Customer Payments

1. Cash must be properly safeguarded prior to deposit through the use of adequate physical security (e.g. safe or locking cabinet).
2. Counting cash shall occur in a non-public area not easily visible to others.
3. Access to and location of cash should be limited and restricted to only designated employees.
  - a. Cash handlers and prospective cash handlers may be subject to background/reference checks.
4. At the start of the business day, the cash drawer to be used for collection purposes will be taken out and the cash will be counted prior to the start of the day. During the day, only the person or persons designated as the cash handler will have access to the drawer.
  - a. During breaks and lunch periods, the cash handler will lock the cash drawer.
  - b. The keys to the cash drawer shall be kept on the person and not left in a desk drawer or other similar location.
5. When receiving cash from a customer, the cash payment shall be counted in front of the customer and verified. If any change is due, the cash returned shall also be counted in front of the customer.
6. When receiving a check from a customer, the following shall be checked and verified:
  - a. The check has been signed and dated;
  - b. The numbered amount agrees with the written amount;
  - c. The check amount agrees with the accompanying paperwork regardless of whether the amount due is being paid partially or in full;
  - d. The check is not stale-dated and has not been altered;
  - e. Checks shall be restrictively endorsed checks (“for deposit only”) immediately upon receipt;
7. The customer shall be provided a receipt for the payment.
8. To reduce the risk of error, all cash in the cash drawer is separated according to denomination. Checks are endorsed when received and kept together separate from the cash in the cash drawer. Credit card receipts are kept separate and secure due to the sensitive nature of the information.
9. The Clerk-Treasurer shall maintain a comprehensive cash ledger update report that includes for each item:
  - a. The date each remittance was received;
  - b. The name of the remitter;
  - c. The amount of each remittance;

d. The form of each remittance (e.g. check, cash, money order);

10. All cash receipts are to be deposited into a bank account designated and approved by the Town Clerk-Treasurer.

11. All cash receipts shall be deposited daily when cash receipts total more than \$500.00, but in no case less frequently than once a week.

12. All cash receipts on hand should be deposited on the last working day of the month to ensure that receipts are made available for their intended purpose and that activity is posted to the correct accounting period.

13. The Clerk-Treasurer or his or her designee shall maintain and match a copy of the deposit slip with the bank deposit receipt for all bank deposits.

14. The Clerk-Treasurer or his or her designee shall record the deposit in the software within two days of deposit at the bank.

(B) Reconciliation

1. A reconciliation between the recorded cash balance and the bank balance shall be completed monthly by an individual separate from the receipting and disbursing processes.

2. A reconciliation between the disbursement ledger and the debits to the bank account is completed periodically by an individual separate of the disbursement process.

3. A reconciliation between the receipts ledger and the credits to the bank account is completed periodically by an individual separate of the receipting process.

(C) Petty Cash

1. A petty cash fund for purchasing services or materials that are a legal charge against the Town or Utilities shall be established in amount not to exceed \$154.80.

2. Petty Cash should only be used for small dollar expenditures and/or consistent with the intended use of the fund.

3. Petty Cash should be reviewed, reconciled and replenished, as needed, on a frequent basis.

4. Employees should not co-mingle private money with Town/Utility funds.

5. Petty Cash Prohibited expenses include the following:

a. Loans to employees;

b. IOUs for employee personal use;

c. Cashing personal, payroll and expense checks for the Department Head, petty cash custodian, or any other employees or Town official; and

d. Traveling or training expenses, such as use of personal vehicle, parking and entertainment (these expenditures should be reimbursed by submitting the proper expense report form to Finance Department).

6. Disbursements from and reimbursements to petty cash funds are periodically reviewed by an individual other than the one responsible for maintaining the fund.

(D) Overages and Shortages

1. All cash overage of over \$1.00, should be deposited on a separate deposit slip to the respective entity bank account daily and intact, at the same time as all other cash receipts collected by the responsible department or activity. This deposit shall be identified as being a cash overage.

2. When the source of a cash overage is known, then the account will be



credited.

3. Occasionally, errors will occur in making change and other cash transactions that result in cash shortages. Any employees experiencing an unresolved cash shortage must report the exact sum of any cash deficit to the Clerk-Treasurer or Department Head at the close of each business day. A shortage of \$20.00 or more shall be reported to a member of the Town Council immediately.

4. Whenever warranted by the size of the shortage, the Clerk-Treasurer or supervisor should make a thorough attempt to determine the reason for the shortage. The review might include recounting the cash, reviewing the transactions and/or checking the amounts of all checks to ensure that receipts were written for the correct amounts.

5. Any person suspecting theft or negligence shall report such irregularities to the Clerk-Treasurer or Town Council.

6. The Clerk-Treasurer shall contact the State Board of Accounts if the amount is over the materiality policy.

(Ordinance No. 2020-0903, September 3, 2020)

## **§ 37.06 CREDIT CARD POLICY**

(A) Credit cards may be distributed to those Town officials and employees who, in the opinion of the Clerk-Treasurer, have job responsibilities which would cause their job performance to benefit by use of a credit card (use of the term “Credit Card” shall include either the credit card or the credit card number).

(B) Authorization and Control. The Clerk-Treasurer shall develop and implement guidelines and accounting controls subject to the approval of the Town Board to ensure the proper usage of credit cards and credit card funds. Including designation those employees or officials, who will be authorized to use a credit card “Authorized User” and maintain a log of the cards assigned to each.

(C) Credit Limits. The Clerk-Treasurer shall set credit limits on each credit card issued; provided, that in no event shall such credit limit exceed \$5,000.00 for any individual credit card nor shall the aggregate credit limits for all credit cards issued to or authorized for use to exceed \$15,000.00.

(D) Payment of Bills. The Clerk-Treasurer shall establish and implement a written procedure or policies for the payment of all credit card bills subject to the approval of the Town Board, which shall cause the credit card purchases to be paid in full on a monthly basis, prior to the end of the grace period, so to avoid late fees or finance charges.

- (E) Uses Prohibited. The following uses are expressly prohibited and unauthorized:
1. Personal charges or charges not for official Town business;
  2. Cash advances;
  3. Use of another Authorized User’s credit card;
  4. Obtaining or attempting to obtain a new line of credit, using the a credit card

issued to the Authorized User;

5. Use of a credit card, which has been revoked, cancelled, or after the authorization to use the credit card has been terminated by the Town;

6. Uses in excess of the credit limit or, in light of charges incurred during the billing cycle by the Authorized User, would cause the credit card's limits to be exceeded;

7. Authorized users shall not use a credit card, otherwise consistent with this Section, in such a manner that would likely bring about embarrassment or disgrace to the Town or appear immoral or unprofessional to the citizens of the Town.

8. Use of a credit card after the Authorized User's employment ended or elected term in office has concluded; or

9. In any manner inconsistent with other Town Ordinances or Policies, federal, state, or local laws.

(F) **Documentation of Charges Required.** An Authorized User shall obtain and retain itemized receipts for each and every purchase made using a Town credit card and shall submit clear and legible copies of said receipts to the Clerk-Treasurer on or before the last business day of each month for that month. Any charges, which cannot be properly identified or which are not properly allowed, shall be paid promptly by the Authorized User by check, together with interest and all other charges assessed by the credit card company, and shall constitute a prior lien against all amounts owed by the Town to the card user until paid in full. Upon receipt of a credit card, each Authorized User shall execute an agreement to be personally liable for any charges, which are unauthorized, not documented or cannot be properly identified, as set forth herein, to the satisfaction of the State Board of Accounts or the Town Board.

(G) **Lost or Stolen Credit Cards.** Each Authorized User shall be responsible for contacting the issuing financial institution and the Clerk-Treasurer, immediately upon discovering that a credit card has been lost, stolen, or is otherwise unaccounted for. Authorized users shall maintain in a safe location, the telephone number for reported cards lost or stolen. The employee in violation of this provision, may be held responsible for charges incurred, using the card. Each employee shall be required to submit a lost/stolen card affidavit to the Clerk-Treasurer, attesting to the date the loss was discovered and the last charge used.

(H) **Fraudulent Use of Credit Card Prohibited.** No Authorized User shall knowingly use or attempt to use a credit card beyond the scope of the authority permitted by this Section or the policies established by the Clerk Treasurer.

## **§ 37.07 CAPITAL ASSET POLICY**

The Town's Capital Asset is hereby incorporated and attached as an Addendum.

(Ordinance No. 2021-1118, passed November 18, 2021, amended by Ordinance No. 2022-0721, passed July 21, 2022)

**TITLE V: PUBLIC WORKS**

- 50. GENERAL PROVISIONS**
- 51. WATER**
- 52. SEWER**
- 53. ELECTRIC**
- 54. RESIDENTIAL SOLID WASTE REMOVAL**

## CHAPTER 50: UTILITIES GENERALLY

### Section

#### 50.01 Utility Bills, Deposits, and Disconnections

### § 50.01 UTILITY BILLS, DEPOSITS AND DISCONNECTIONS

(A) Applicants who desire to receive Town electric, water, wastewater and stormwater services shall submit a completed service application and pay a deposit as described below. In the event that an applicant applies for service but has previously left the Town with an unpaid utility account whether or not it was expensed as a bad debt loss, the applicant must first pay any prior unpaid account balance before service may be granted.

1. For all residential owner-occupied and residential non owner-occupied applicants who complete a service application, a Residential Deposit of \$300.00 for electric and \$100.00 for water, for a total of \$400.00 shall be collected.

a. Residential owners may also apply for an additional electric meter for a non-living space with no additional deposit.

b. To establish accounts for multi-unit properties, applicants shall complete a service application and pay a Residential Deposit of \$300.00 for electric and \$100.00 for water, for a total of \$400.00 for each unit. Such Deposit shall be capped at \$1,000.00 in the event the property has three or more units.

(B) Deposits shall be held without interest until forty-five (45) days after service to the occupant is terminated.

(C) Deposits collected are to be used to satisfy customer accounts for services provided by the town for electric, water, sewer, and stormwater services.

(D) Following disconnection, service may be reconnected on Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m. upon the payment of the balance of all past due charges owed, together with a Fifty Dollar (\$50.00) reconnect fee for water/wastewater and a Fifty Dollars (\$50.00) reconnect fee for electric.

(E) Billing Procedures.

1. The rates and charges shall be prepared and billed by the Town monthly, as the Town may deem appropriate and as determined by the bylaws and regulations of the Town as hereinafter provided for and shall be collected in the manner provided by law and ordinance. The rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners. The property owner will receive a delinquency notice on leased properties. The owners of non-owner-occupied residential properties served shall have the right to examine the collection records of the Town for the purpose of determining whether the rates and charges have been paid by the tenants, provided that the examination shall be made in the office in which the records are kept and during the hours that the office is open for business.

2. Utility bills will be mailed to the customer by the first (1st) day of the month for service rendered during parts of the two prior months, the exact dates of service

depending on the date the meters are read.

3. The actual amount of the charges for electricity, water, wastewater and stormwater plus taxes constitutes the "net," and the net is due and payable by the fifteenth (15th) day of the month the bill is sent out.

4. Bills not paid by the fifteenth (15th) day of the month are delinquent and assessed a delinquency charge on electric of ten percent (10%) of first three dollars (\$3.00) and three percent (3%) of the rest of the electric bill, a delinquency charge on water of ten percent (10%) of first three dollars (\$3.00) and three percent (3%) of the rest of the water bill, a delinquency charge on sewer of ten percent (10%) of the sewer bill, and a delinquency charge on stormwater of ten percent (10%) of the stormwater bill. The net plus additional charges constitute the "gross"; the gross is due and payable on the sixteenth (16th) day of the month the bill is sent out and afterwards until paid.

5. At any time after an account become delinquent, the Clerk-Treasurer shall first apply the funds collected as a utility deposit towards the satisfaction of the customer's oldest bill. While applying the funds to the oldest bill, the Clerk-Treasurer may satisfy the charges for bonded utilities first. Any excess funds shall then be applied to the next oldest bill until the account is current, which charges shall include the usage charges, delinquency charges, reasonable attorneys fees, court costs and interests as allowed by law.

6. If a bill, including penalties, becomes delinquent and is not paid within thirty (30) days of its due date, the property served shall be placed on the Delinquency and Disconnection list. In addition, the Town Council, or its designated officers, shall terminate service for any user for any of the following reasons:

a. For any misrepresentation in the service application as to property or fixtures to be supplied, or the use to be made of the water supply;

b. For willful waste of water through improper or imperfect pipes, fixtures, meters or otherwise;

c. For failure to keep in good order and to protect the Town's connections, service lines or fixtures;

d. For willfully damaging any service pipe, meter, curb stop-cock, or any other appliance of the company controlling or regulating the water supply;

e. For neglecting to make agreed payments, or for the non-payment of any account for water supplied, water service, wastewater service, stormwater or any other scheduled fee or charge as required;

f. Payment by dishonored check will be treated as non-payment and penalties will apply as provided if such payment is not paid by the appropriate due date; or

g. In case of vacancy of the premises.

7. Delinquency and Disconnection Notices will be sent after the fifteenth (15th) day of each month to all customers who have not paid the net amount due on their current bill. If the customer is a non-owner, Delinquency and Disconnection Notices will also be sent to the Owner of the residential real estate. If an owner of a property maintains a single meter for multiple non-owner occupants, notice shall be sent to every unit serviced by the meter in the event of a delinquency and of the disconnection hearing. All non-owner occupants serviced by a delinquent account shall have the right to address the Town Council at the disconnection hearing.

8. All disconnection notices shall plainly state:

a. That the user will have an opportunity to present evidence to the Town Council at the first regularly-scheduled Town Council meeting held at least thirty (30)

days after the bill becomes delinquent, prior to the Town Council determining whether to disconnect the service at the property served by the utility.

b. If the Town Council votes to approve disconnection of utility services at that meeting, the actual disconnection will take place on the second (2nd) business day after the disconnection hearing, and electric will be shut off on the fifth (5th) business day after the disconnection hearing.

c. The reason for disconnection.

d. The telephone number of the Town Hall which the user may call during regular business hours in order to question the proposed disconnection or seek information concerning his or her rights.

9. At each regularly scheduled Town Council meeting, there shall be an agenda item for disconnection hearings. The Town Council shall invite all persons who received disconnection notices to address the Town Council and present evidence concerning the proposed disconnection. At the conclusion of any each hearing, or if no evidence is presented, after determining that no one wishes to address the Town Council and present evidence, the Town Council will decide whether disconnection of utilities should proceed against anyone receiving a disconnection notice.

10. In the event the Town Council determines to discontinue utility service after a disconnection hearing, water will be shut off on the second (2nd) business day after the disconnection hearing, and electric will be shut off on the fifth (5th) business day after the disconnection hearing.

11. All charges owed by the customer, including those which occur up until service is actually shut off, will be deducted from the account holder's Deposit, and the balance of any Deposit, after deduction of all charges owed, will be sent to a customer who moves or who has service disconnected within forty- five (45) days after the date of final service. If the customer still owes a balance, after the application of the Consumer Deposit, a bill for the balance owed will be sent to the customer; and, if the property is leased, a copy of the bill will also be sent to the property owner.

12. No disconnections of services to customers with delinquent residential (including apartments) electric bills will be made during December 1 through March 15 if that customer is eligible for and has applied for assistance under IC 12-14-11 (Energy Assistance Program administered by Community Action Program).

13. Only water utility employees are to enter water meters except in the case of an emergency. If a customer does open or enter a meter because of an emergency and damages the meter, the customer shall be financially responsible to repair the damage or replace the meter, whichever the water utility deems necessary. Payment shall be made within thirty (30) days or water service will be discontinued.

14. A check given for payment of any utility bill, consumer deposit, or tap fee, which is returned by the bank for non-sufficient funds or account closed, will be assessed a twenty dollar (\$20.00) dishonor fee plus all fees assessed against the Town by the bank, payable immediately upon notice given.

15. Upon the death of the account holder, the account must be re-established in the name of the current occupant within one (1) year of death, with a new deposit, unless the property is owner-occupied residential property occupied by the surviving spouse, who shall be permitted to maintain the account in their deceased spouse's name.

(F) Collection of Delinquent Electric, Water, Wastewater and Stormwater Fees, Charges and Penalties. Wastewater fees are fees assessed against real estate and shall constitute a lien against the property served until paid. Electric, water, wastewater and stormwater fees are fees assessed against real property, and may constitute a lien against the residential owner-occupied and business properties served. The lien attaches when a Notice of Lien, described below, is recorded in the office of the County Recorder, except that a fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the County Recorder before the conveyance to the subsequent owner. If the property is conveyed before the lien can be filed, the Town shall notify the person who owned the property at the time the fee became payable. The notice shall inform the former owner that payment, including penalty fees for delinquencies, is due not more than fifteen (15) days after the date of the notice. If payment is not received, the amount due may be collected in any manner permitted by law. Payment not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.

(G) If the electric, water, wastewater or stormwater fees, charges and penalties are not paid within the time fixed by Ordinance, they are delinquent. The Clerk-Treasurer, or his or her designee, is charged with the responsibility to collect delinquent electric, water, wastewater and stormwater fees, charges and penalties (the "Delinquent Fees"). The Clerk-Treasurer shall review all delinquent accounts every month, or as necessary and attempt to collect the Delinquents Fees in any of the following manners, pursuant to Indiana Code Chapters 36-1-3, 36-9-23 and 36-7-10.1:

1. By filing a civil action in the name of the Town against the customer for the following:
  - a. Delinquent water fees, charges and penalties from residential customers, whether or not owner-occupied, and business owners;
  - b. Delinquent wastewater fees, charges and penalties from residential customers, whether or not owner-occupied, business owners, or owners of non-owner-occupied residences, pursuant to Indiana Code 36-9-23-31;
  - c. Delinquent stormwater, or tall grass and weed abatement fees, charges and penalties from owners or occupants of any property served;
2. Collection of wastewater, stormwater, or tall grass and weed abatement fees, charges and penalties, by the County Auditor's and Treasurer's Offices following the recording of a Notice of Lien, in the manner described in Indiana Section 36-9-23-33 to collect the Delinquent Fees, summarized as follows:
  - a. As often as the Clerk-Treasurer determines is necessary in a calendar year, the Clerk-Treasurer shall prepare a Notice of Lien for each lot or parcel of real property on which fees and penalties are delinquent, listing the amount of fees, charges and penalties which are delinquent, together with the costs of recording and service charges;
  - b. The Clerk-Treasurer shall record each Notice of Lien with the County Recorder, and shall then mail to each property owner on the Notice of Lien a notice stating that a lien against the owner's property has been recorded. Any county service charge or certification fee, together with the cost of recording the Notice of Lien and the costs of recording a release of lien, shall be added to the amount due for each Notice of Lien.
  - c. Not later than ten (10) days after recording each Notice of Lien, the Clerk-Treasurer shall certify to the County Auditor a list of the liens that remain unpaid for

collection in the next May.

d. The Clerk-Treasurer shall release any recorded Notice of Lien when the Delinquent Fees, and service, certification and recording fees described above, have been fully paid.

e. Upon receipt of the Clerk Treasurer's certified list described above, the County Auditor shall enter on the tax duplicate for the Town the Delinquent Fees, penalties, service charges, recording fees and certification fees, which are due not later than the due date of the next installment of property taxes. The County Treasurer shall then include any unpaid charges for the Delinquent Fees, penalty, service charge, recording fees and certification fee to the owner or owners of each lot or parcel of property, at the time the next cycle's property tax installment is billed.

f. After the Clerk-Treasurer's certification of liens, the Clerk-Treasurer may not collect or accept Delinquent Fees, penalties, service charges, recording fees, or certification fees from property owners whose property has been certified to the County Auditor.

g. If the Delinquent Fees, penalty, service charge, recording fees, and certification fee are not paid, they shall be collected by the County Treasurer in the same way that delinquent property taxes are collected.

h. At the time of each semiannual tax settlement, the County Treasurer shall certify to the County Auditor all fees, charges, and penalties that have been collected. The County Auditor shall deduct the service charges and certification fees collected by the County Treasurer and pay over the Clerk-Treasurer the remaining fees and penalties due the Town. The County Treasurer shall retain the service charges and certification fees, if any, that have been collected for deposit into whichever fund he or she deems appropriate.

i. Delinquent Fees, penalties and service charges that were not recorded before a recorded conveyance shall be removed from the tax roll, and a release of lien shall be recorded, for a purchaser who provides a verified demand in writing to the Clerk-Treasurer and the County Auditor, which states that the Delinquent Fees were not incurred by the purchaser as a user, lessee, or previous owner, and that the purchaser has not been paid by the seller for the delinquent fees.

j. The Clerk-Treasurer may at any time elect to record a release of the Notice of lien, paying the service charges, recording fees and certification fees, decertifying the lien such that collection is not undertaken by the County Auditor and County Treasurer, and seek to collect the Delinquent Fees by filing a civil action in the manner described above.

3. By foreclosing a lien following the recording of a Notice of Lien.

(H) In lieu of collection, the Town Council may write off Delinquent Fees that are for less than Forty Dollars (\$40.00), pursuant to Indiana Code Section 36-9-23-33(l).

(Ordinance No. 1996-2, passed July 1, 1996; Ordinance No. 1995-1; Ordinance No. 2000-3, passed April 3, 2000; Ordinance No. 2003-1, passed February 3, 2003; Ordinance No. 2007-11, passed November 1, 2007; Ordinance No. 2010-1, passed March 1, 2010; Ordinance No. 2014-10, passed December 22, 2014; Ordinance No. 2015-1, passed February 2, 2015; Ordinance No. 2019-1107, passed November 7, 2019, amended by Ordinance No. 2021-0617, passed June 17, 2021, amended by Ordinance No. 2022-0120, passed January 20, 2022)



## CHAPTER 51: WATER

### Section

- 51.01 Cross Connection Control Program
- 51.02 Rates and Charges Historical Note

### § 51.01 CROSS CONNECTION CONTROL PROGRAM

(A) A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the town water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(B) No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the town may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Williamsport Light and Water Department and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10.

(C) It shall be the duty of the Town to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Town.

(D) Upon presentation of credentials, the representative of the Town shall have the right to request entry at any reasonable time to examine the property served by a connection to the public water system of said town for cross connections. On request, the owner, lessee, or occupant of any property to be served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections.

(E) The Light and Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system.

Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

(F) If it is deemed by the Light and Water Department that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the clerk-treasurer of the Town and delivered to the consumer's

premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within 10 days of such emergency discontinuance.

(G) All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plans, laboratories, and all other hazardous users shall install and maintain a reduced pressure principal backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

(H) The reduced pressure principle backflow preventers shall not be installed below ground level.

(I) This section does not supersede the Indiana Plumbing Code or the IDEM Rule 327IAC 8-10 but is supplementary to them.

(J) If, in the judgment of the Superintendent of the Light and Water Department, an approved backflow prevention device is necessary for the safety of the public water system, the Superintendent of the Light and Water Department will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Superintendent of the Light and Water Department and shall have inspections and tests made of such approved devices as required by the Superintendent of the Light and Water Department and in accordance with the IDEM Rule 327IAC 8-10.

(Ordinance No. 2013-7, passed June 3, 2013)

## § 51.02 HISTORICAL NOTE: RATES AND CHARGES

(Ordinance No. 2017-4, passed December 4, 2017; Ordinance No. 2013-1, passed June 3, 2013; Ordinance No. 2011-1; passed May 2, 2011; Ordinance No. 2005-2, January 3, 2005; Ordinance No. 2004-1, passed May 3, 2004; Ordinance No. 2001-1, passed June 4, 2001; Ordinance No. 2000-5, passed July 3, 2000; Ordinance No. 1997-5, passed June 23, 1997; Ordinance No. 1996-1, passed April 22, 1996)

## CHAPTER 52: SEWER

### Section

- 52.01 Summer Sewer Credit
- 52.02 Discharge of Harmful Substances
- 52.03 Leak Adjustment
- 52.04 Historical Note: Rates and Charges

### § 52.01 SUMMER SEWER CREDIT

#### A. General Provisions

1. Utility customer are entitled to a fixed maximum sewer rate during summer months, based upon the Customer's water use during the first quarter of a calendar year.
2. "Summer Months" shall include the monthly statements for usage billed during June through September of a calendar year.
3. The Town Council may opt, at their discretion, to extend the "Summer Months" an additional month to the October bill.
4. These provisions apply only to residential customers, who maintained a water/sewer utility accounts with the Town of Williamsport, continuously during the months of January, February, and March of the calendar year.
5. This Section is intended to fix the maximum amount a customer will be charged for sewer during summer months, based upon their average use during the first quarter of a given year.

#### B. Procedures

1. Prior to June 1<sup>st</sup> of each calendar year, the Utility Clerk shall compute the "average monthly water use" for customers who request a summer sewer credit, by averaging the usage during the first quarter of a calendar year.
2. The Clerk shall then determine the sewer charge that correlates with the average monthly water use. This sewer charge shall be the "fixed maximum sewer charge" for that customer, regardless of water use, during the summer months.
3. Once a fixed maximum sewer charge is calculated, the customer may have a lower sewer charge. In the event that the customer has a lower sewer charge than the fixed maximum sewer charge, the customer will be responsible for the full charges at cost. The fixed rate will serve as a maximum for each summer month.
4. Nothing in this Section will prevent the Town Council from revoking the benefits of a fixed maximum sewer charge, in the event the Council discovers that a Customer is placing excessive water into the Town's sewer system and the Council deems such recourse is appropriate.

(Ordinance No. 2020-1001, passed October 1, 2020)

### § 52.02 LEAK ADJUSTMENT

- (A) An "unusually large bill" shall be defined as a residential water bill that reflects monthly water usage, in whatever units measured, that is at least two (2) times the customer's average monthly usage at the premises.

(B) An unusually large bill may be detected by either the Utility Clerk or the residential water account holder. However, the residential account holder will have the responsibility to report an unusually large bill to the Utility Clerk within two months of a suspected leak. The Utility Clerk shall not be responsible for detecting leaks or making adjustments.

(C) After a leak is reported, the Water Superintendent shall conduct an investigation of the premises to determine the source of the leak and necessary repair. The Water Superintendent shall be responsible for repairing leaks in the Town's equipment and the residential water account holder shall be responsible for repairing leaks in the account holder's equipment.

(D) The Town Council shall only make a leak adjustment once per mechanical failure. The Council may also elect to waive delinquency fees incurred by an unusually large bill if the utility customer was unwilling or unable to pay the water bill.

(E) A leak adjustment shall be made for no more than two (2) months of water bills. An exception to this policy may be made in the Town Council's discretion for occupants of non-owner-occupied property (rentals) where the occupant timely notified their landlord of the leak and the landlord failed to correct the leak within two (2) months.

(F) All documentation will be stapled together and filed in the adjustment folder for the current year and noted in the delinquent folder.

(Ordinance No. 2019-1205, passed December 5, 2019, amended by Ordinance No. 2021-0617, passed June 17, 2021)

## **§ 52.03 DISCHARGE OF HARMFUL SUBSTANCES**

(A) It shall be unlawful to permit or cause the flow of any of the following substances into the sanitary sewer system of the Town:

1. Any grease, fatty material, offal, or garbage;
2. Any stone dust, sand, dirt, gravel, sawdust, metal filings, broken glass, or any material which may cause or create an obstruction in the sewer;
3. Gasoline, benzene, fuel oil, or any petroleum products or volatile liquids;
4. Milk or any liquid milk waste products in quantities in excess of ten gallons during each twenty-four hour period;

(B) It shall be unlawful to cause or permit to flow into the sanitary sewer system any cyanide, phenols or any other chemical or substance which interferes with or prevents the functioning of the sewage treatment plant.

(C) Every building or premises used or occupied by any sewer user where any commercial or industrial operations are conducted or permitted which result in the discharge into

the sanitary sewer system of the Town of any of the products, waste products or other substances in the manner and to the extent prohibited in this Section, shall be equipped with an adequate and suitable catch basin, grease trap, filter or other interceptor, installed in such a manner that the products, waste products, or other substances herein set forth will not flow into or be discharged into the sanitary sewer system.

It shall be unlawful to permit the flow of waste from such building or premises into the sanitary sewer system unless such interceptor is installed and in good working order.

(D) The admission into the public sewers of any waters or wastes having (a) a five-day biochemical oxygen demand greater than 300 parts per million by weight of suspended solids, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than two percent of the average daily sewage flow of the Town, shall be subject to the review and approval of the Town. Where necessary, the owner shall provide, at his expense, such preliminary treatment as may be necessary to, (a) reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 1, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Town and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(1985 Code)

### **§ 52.03 HISTORIC NOTE: RATES AND CHARGES**

(Ordinance No. 2018-16, passed November 27, 2018; Ordinance 2017-5, passed December 4, 2017; Ordinance No. 2015-3, passed April 1, 2015; Ordinance No. 2013-2, passed March 4, 2013; Ordinance 2011-2, passed May 2, 2011; Ordinance No. 2004-2, passed May 3, 2004; Ordinance No. 2001-2, passed June 4, 2001; Ordinance No. 2000-6; Ordinance 1999-2, passed July 1, 1999)

## **CHAPTER 53: ELECTRIC**

### Section

53.01 Historical Note: Rates and Charges

### **§ 53.01 HISTORICAL NOTE: RATES AND CHARGES**

(Ordinance No. 2017-3, passed December 4, 2017; Ordinance No. 2013-3, passed June 3, 2013; Ordinance No. 2010-3, passed August 9, 2010; Ordinance No. 2009-2, passed May 4, 2009; Ordinance No. 2005-1, January 3, 2005; Ordinance No. 1997-4, June 23, 1997)

## CHAPTER 54: RESIDENTIAL SOLID WASTE REMOVAL

### Section

#### 54.01 Garbage and Rubbish Collection

### § 54.01 GARBAGE AND RUBBISH COLLECTION

(A) It shall be unlawful for any person or business to burn garbage or rubbish at any time.

(B) The only burning allowed is that of clean wood products in compliance with all state laws governing the same.

(C) All persons and businesses shall dispose of their garbage and rubbish on a regular basis and not allow the same to accumulate. Said persons and businesses shall personally transport the garbage and rubbish to a licensed landfill or incinerator or shall contract with an individual or firm in the business of collecting and disposing of garbage and rubbish ("Contractor").

(D) Contracts between Contractors and persons and businesses for the collection and disposal of the persons' and businesses' garbage and rubbish shall be on terms mutually determined to be satisfactory. Those terms include frequency of collection, day and time of day, location on property of collection, number of bags or containers and cost. Collection of the contracted price shall be solely the Contractor's responsibility.

#### (E) Owners' Responsibilities.

1. All garbage and rubbish to be collected shall be placed for collection by owner in watertight covered receptacles not exceeding thirty (30) gallon capacity or in plastic bags of 1 1/2 mil. strength or more.

2. Plastic bags or trash containers shall be placed at collection point at curb or alley not more than twelve (12) hours in advance of scheduled collection time.

3. All reasonable efforts shall be made to prevent animals from scattering garbage and rubbish.

#### (F) Collectors' Responsibilities.

1. Collections of garbage and rubbish shall not begin before 5:00 a.m. and be completed by 7:00 p.m. on any one day.

2. No garbage and rubbish collection/hauling vehicle shall be temporarily stopped or parked at a business or residence for more than fifteen (15) minutes.

3. Garbage and rubbish scattered by animals through no fault of owner shall be picked up and collected.

4. Transfer of garbage and rubbish from one collection/hauling vehicle to another within the town limits shall be unlawful at all times.

5. Contractor shall exercise caution and all reasonable efforts to avoid scattering or spilling garbage and rubbish while collecting or transporting it.

6. It shall be unlawful at all times within the town limits for garbage and rubbish collection/hauling vehicles, loaded or unloaded, to be parked whether in a building or in

the open.

7. If a garbage and rubbish collection/hauling vehicle becomes inoperable or needs repair or maintenance, it may be parked within the town limits, unloaded, for a period not to exceed forty-eight (48) hours.

(G) Penalty, see §10.99.

(Ch. 107, 1985 Code, amended by Ordinance No. 1998-5, passed August 3, 1998, amended by Ordinance No. 2020-1217, passed December 17, 2020)



## **TITLE VII: TRAFFIC CODE**

- 70. PARKING RULES**
- 71. SNOW EMERGENCY ROUTES**
- 72. SNOWMOBILE REGULATIONS**
- 73. EXTREME SPORT EQUIPMENT**
- 74. GOLF CARTS AND OFF ROAD VEHICLES**

## CHAPTER 70: PARKING RULES

### Section

#### 70.01 Parking Rules

### § 70.01 PARKING RULES

(A) At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic control device:

1. In any intersection.
2. In a crosswalk.
3. Upon any bridge or viaduct, or the approach thereto.
4. Between a safety zone and the adjacent curb or within thirty (30) feet of a point of the curb immediately opposite the end of a safety zone.
5. Within thirty (30) feet of a traffic signal, beacon, or sign on the approaching side.
6. Within twenty (20) feet of any intersection or crosswalk.
7. At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen (18) feet.
8. Within fifteen (15) feet of a fire hydrant.
9. At any place where the vehicle would block the use of a driveway.
10. Within fifty (50) feet of the nearest rail of a railroad grade crossing.
11. Within twenty (20) feet of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any such station within seventy-five (75) feet of such entrance when properly signposted.
12. On any sidewalk or parkway.
13. At any place where official signs prohibit parking.
14. At any place where the curb has been painted yellow by the town.
15. Parking spaces for mobility handicapped persons. It shall be unlawful for any person without a mobility handicap or not using a wheelchair to park in any space reserved for such handicapped persons; provided, however, that a driver of a vehicle used in transporting such handicapped persons may park in such spaces.
16. On private property on a corner lot within fifty (50) feet of the street line if such vehicle obstructs or blocks the view at a height of more than five (5) feet above the level of the adjacent street pavement.

(B) No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within twelve (12) inches of the regularly established curb line, except that upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.

(C) It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle

merchandise is peddled.

(D) All streets in town, except as hereafter designated, shall be available for residential parking both during the day and at night.

No vehicle shall be parked on any street, or part of a street, which is designated as a no parking area, either by yellow paint on the curb or a posted sign, or designated as a limited parking area, by a posted sign.

The streets of North Monroe, from Second Street (State Road 28) to the railroad tracks, and East Second Street (State Road 28) from North Monroe Street to East Street shall be used only for business and government parking and no residential parking shall be allowed at any time, day or night.

(E) No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

(F) Except on Sundays or holidays, it shall be unlawful to park any vehicle for a longer consecutive period of time than that designated between the hours of 8 A.M. and 6 P.M. in any area designated as a limited parking area and so marked.

(G) It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

(H) The police or any other person authorized by the town shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions.

(I) It is unlawful for any person to park or leave standing any vehicle in a stall or space designed for physically handicapped persons, if, immediately adjacent to and visible from such stall or space, there is posted a sign known as the international wheelchair symbol consisting of a profile view of a stylized wheelchair with occupant in white on a blue background, unless the driver of the car is disabled.

As used in this article, "disabled" means either having a physical condition requiring the use of a wheelchair, artificial limb, crutch, cane or walker, or having a physical disease making it difficult or impossible to walk more than twenty-five (25) feet without shortness of breath or danger of impairment of health. A certificate by a person licensed to practice the healing arts in this state shall be acceptable by the town as evidence under this article.

The provisions of this subdivision herein shall apply to all off-street parking facilities owned or operated by the town or by any privately owned or operated parking lot.

(J) It shall be unlawful to park on any residential street or on any private property within the town between the hours of 10 P.M. and 8 A.M. any motor vehicle or motorized equipment exceeding twenty (20) feet in length; any commercial vehicle or equipment which is not a passenger vehicle notwithstanding that such vehicle does not exceed twenty (20) feet in length; any non-motorized vehicle attached or connected to a motor vehicle, which together

exceed twenty (20) feet in length measured from the front of the motor vehicle to the end of the non-motorized vehicle; or any semi- tractor, semi-trailer or truck exceeding four (4) tons.

(K) Penalty, see §10.99.

(Ordinance No. 2007-8, passed October 1, 2007; Ordinance No. 1998-11, passed November 2, 1998)

## CHAPTER 71: SNOW EMERGENCY ROUTES

### Section

#### 71.01 Snow Emergency Routes

### § 71.01 SNOW EMERGENCY ROUTES

(A) "Primary snow emergency routes" are those streets generally traversing the entire Town or a major part thereof and are considered essential to the rapid movement of emergency vehicles and normally carry the heaviest traffic volumes.

(B) Whenever the Town Superintendent finds, on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by the United States Weather Bureau or other weather service of snow, sleet or freezing rain that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on Town streets be prohibited or restricted for snow plowing and other purposes, he or she shall put into effect a parking prohibition on primary snow emergency routes as necessary by declaring it in a manner prescribed.

Such parking prohibition shall automatically go into effect on any part of any primary snow emergency route on which there has been an accumulation of snow and ice of four inches or more.

Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the Town Superintendent, except that any street area which has become substantially clear of snow and ice from curb to curb for the entire block shall be automatically excluded therefrom. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a primary snow emergency route to which it applies.

(C) It shall be unlawful for any person operating a motor vehicle on a primary snow emergency route on which there is a covering of snow, sleet or ice on which there is a parking prohibition in effect to allow such vehicle to become stalled because the motor fuel is exhausted, or the battery has become inoperative.

(D) Whenever a vehicle becomes stalled for any reason, whether or not in violation of this Section, on any part of a primary snow emergency route on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such primary snow emergency route into the first cross-street which is not a primary snow emergency route. No person shall abandon or leave his vehicle in the roadway of a primary snow emergency route (regardless of whether he indicated, by raising the hood or otherwise, that the vehicle is stalled), except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station or other place of assistance and return without delay.

(E) Whenever the Town Superintendent shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this ordinance no longer exist, he or she may declare the prohibition terminated, in whole or in part.

(F) Any provision of this Section which becomes effective by declaration of the town superintendent or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a police officer.

(G) On each street designated by ordinance or by resolution as hereafter provided, as a primary or secondary snow emergency route, such streets shall be posted with appropriate signs at intervals not exceeding one-fourth mile (one thousand three hundred twenty feet). Signs posted in accordance with this section shall be distinctive and uniform in appearance and shall be plainly visible and readable to persons traveling on the street or highway.

(H) Any vehicle parked on any primary or secondary snow emergency route in violation of any of the provisions of this article may be impounded in accordance with and no person shall recover any vehicle removed pursuant to this Section without first paying the cost of removal and the cost of storage. Any payments required by this section shall not be construed as a penalty so as to preclude prosecution for violation of any of the provisions of this section.

(I) In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this ordinance, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this ordinance, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this ordinance.

(J) The following streets or portions of streets within the city are hereby designated as primary snow emergency routes: Monroe Street.

(K) Penalty, see §10.99.

(Chapter 82, 1985 Code, amended by Ordinance No. 2022-0721, passed July 21, 2022)

## **CHAPTER 72: SNOWMOBILE REGULATIONS**

Section

72.01 Repealed.

§ **72.01 SNOWMOBILE REGULATIONS**

Repealed.

(Repealed by Ordinance No. 2022-0721, passed July 21, 2022)

## CHAPTER 73: EXTREME SPORTS EQUIPMENT

### Section

73.01 Extreme Sports Equipment

### § 73.01 EXTREME SPORTS EQUIPMENT

(A) Extreme sports equipment is defined as any of the following nonmotorized devices:

1. Skateboards
2. Roller Skates
3. Inline Skates
4. Freestyle Bicycles
5. Mountain Bicycles
6. An apparatus that is:
  - a. wheeled,
  - b. recreational or sporting in nature,
  - c. powered solely by the efforts of the user, or
  - d. generally known as the term is used in Rule 201 of the Indiana Rules

of Evidence as an apparatus used for extreme sport.

7. A gas or battery powered scooter

(B) It shall be unlawful for any person to operate extreme sports equipment under the following circumstances:

1. On private property without the express permission to do so by the owner or occupant of said property.
2. On public property within the town limits which is owned by the town, county, school corporation or public library, including streets, sidewalks, parks, playgrounds and parking lots, without express provisions or permission to do so by the proper public authority.
3. In a careless, reckless or negligent manner so as to endanger the safety of any person or the property of any person or entity.

(C) Notwithstanding the prohibitions of this Section, the Town or its park board shall have the authority to designate park areas as extreme sports areas that shall be available for the use of extreme sports equipment.

(D) Penalty, see §10.99.

(Ordinance No. 2003-2, passed January 2, 2003; amended by Ordinance No. 2022-0721, passed July 21, 2022)



## CHAPTER 74: GOLF CARTS AND OFF-ROAD VEHICLES

### Section

- 74.01 Golf Carts
- 74.02 Off Road Vehicles

### § 74.01 GOLF CARTS

- (A) A golf cart means a three or four wheeled conveyance that is:
1. powered either by battery or has a gas or electric motor;
  2. used to carry passengers or equipment;
  3. Smaller than the types of motor vehicles required to be registered by the

Bureau of Motor Vehicles such as a:

- a. Passenger motor vehicle;
- b. Recreational vehicle;
- c. Truck.

(B) No person shall operate or park a golf cart, or permit a golf cart to be operated or parked, on Second Street (State Road 28) within the Town except to cross the roadway while traveling on intersection streets.

(C) A personal may operate, drive or park a golf cart on the remaining streets and alleys within the Town subject to the following rules and restrictions:

1. Operators of golf carts must have a valid driver's license or shall be at least sixteen (16) years and one-hundred and eighty days (180) days old and hold either an identification card issued under I.C. 9-24-16 or a photo exempt identification card issued under I.C. 9-24-16.5; and shall obey all state, federal and local laws, regulations and ordinances governing passenger motor vehicles including but not limited to laws, regulations and ordinances pertaining to license of operators and traffic regulation.
2. Golf carts operated during darkness from dusk to dawn, or during inclement weather, when headlamps are necessary for other motor vehicles, must be equipped with and use headlights and taillights visible from a distance of no less than 500 feet.
3. Golf carts shall be driven as close to the right edge of the street or alley as possible.
4. Operators of golf carts must have proof of financial responsibility in the form of liability insurance coverage in an amount not less than required by applicable Indiana law for motor vehicles operated on public highways within the State of Indiana.
5. Golf Carts shall not be operated on sidewalks, public parks, or on private property without the advance permission of the owner.
6. All passengers riding in a golf cart shall be seated.
7. Golf carts must be equipped with and display a triangular slow moving vehicle emblem on the rear of the cart, which emblem is visible day or night, or an orange flag extending above the cart.
8. A golf cart shall be operated so that it does not impede or block the normal flow of traffic.

9. Drinking alcohol beverages while driving or riding on the golf cart by the driver or any passengers is prohibited.

(D) Penalty, see §10.99.

(Ordinance No. 2019-0606A, passed June 6, 2019; amending Ordinance No. 2011-3, passed June 1, 2011; amended by Ordinance No. 2022-0721, passed July 21, 2022)

## § 74.02 OFF ROAD VEHICLES

(A) An off-road vehicle shall mean a motor driven vehicle capable of cross-country travel without benefit of a road. The term is limited to a recreational off-road vehicle that has a utilitarian purpose. (Source 312 IAC 8-1.5-17 and Ind. Code 14-8-2-185). The term does not include a golf cart or snowmobile.

(B) A person may operate, drive or park an off-road vehicle on the streets and alleys within the Town subject to the following rules and regulations:

1. The Operator shall obey all state, federal and local laws, regulations and ordinances governing the use of motor vehicles, including provisions of Ind. Code 14-16-1-1 through Ind. Code 14-16-1-32.

2. An off-road vehicle may not be operated by an individual less than fourteen (14) years of age without immediate supervision of an individual at least eighteen (18) years of age. An individual less than eighteen (18) years of age who is operating or riding an off-road vehicle shall wear a helmet that meets the standards established by the United States Department of Transportation.

3. The vehicle must be registered by the State of Indiana as required by Ind. Code 14-16-1-8 and display a registration decal as required by Ind. Code 14-16-1-11.5.

4. The vehicle may not be operated 30 minutes before sunset and 30 minutes after sunrise unless the vehicle has at least one (1) headlight and one (1) taillight.

5. The vehicle must have adequate brakes capable of producing deceleration at fourteen (14) feet per second on level ground at a speed of twenty (20) miles per hour.

6. The vehicle must be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

7. The Operator of the vehicle must have proof of financial responsibility in the form of liability insurance coverage in an amount not less than required by applicable Indiana law for motor vehicles operated on public highways within the State of Indiana and carry proof of said insurance at all times of the vehicle's use.

8. The vehicle shall be operated so that it does not impede or block the normal flow of traffic.

9. Drinking alcoholic beverages while driving or riding on the vehicle by the driver or any passenger is prohibited

10. The vehicle may not be operated in any Town Park.

(C) Penalty, see § 10.99. In addition, Operators of the vehicle are subject to any penalties as allowed by State laws regulating motor vehicles (including, but not limited to:

speeding, operating vehicle while intoxicated or over the legal limit, and unsafe driving.)

(Ordinance No. 2020-0507B, passed May 7, 2020, amended by Ordinance No. 2021-0401, passed April 1, 2021)

**TITLE IX: GENERAL REGULATIONS**

- 90. NUISANCES**
- 91. SIDEWALKS AND ALLEYWAYS**

## CHAPTER 90: NUISANCES

### Section

- 90.01 Definitions
- 90.02 Animal Nuisances
- 90.03 Real Estate Nuisances
- 90.04 Vehicle Nuisances
- 90.05 Enforcement

### § 90.01 DEFINITIONS.

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

**ABANDONED VEHICLE.** Any of the following, as described by Indiana Code 9-13-2-1, as that section may be amended from time to time:

1. A vehicle located on public property illegally, or a vehicle left on public property continuously without being moved for more than 24 hours;
2. A vehicle located on public property in a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;
3. A vehicle that has remained on private property without consent of the owner, or person in control of that property, for more than 48 hours;
4. A vehicle from which the engine, transmission or differential has been removed, or that is otherwise partially dismantled or inoperable and left on public property;
5. A vehicle that has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within 20 days after the vehicle's removal;
6. A vehicle that is at least 3 model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 20 days. For purposes of this subdivision, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible;
7. A vehicle that was repaired or stored at the request of the owner, that has not been claimed by the owner; and for which the reasonable value of the charges associated with the repair or storage remain unpaid more than 30 days after the date on which the repair work is completed or the vehicle is first stored; or
8. A vehicle deemed "abandoned" under I.C. 9-22-1.

**ABATEMENT PERIOD.** The period of time the owner has to correct the violation stated on the violation notice or warning issued by the town personnel. The initial abatement period is 10 days unless otherwise stated herein. This time may be extended up to 30 days, depending upon the severity of the violation, and only at the discretion of the Town Council, Town Marshal or other designee of the Town.

**CONTINUOUS ABATEMENT NOTICE.** A notice, issued pursuant to IC §36-7-10.1, *et seq.*, after an initial notice of violation of the provisions relating to weeds, rank vegetation and tall grass, that serves as notice to the real property owner that each subsequent violation during

the same year for which the initial notice of the violation was provided may be abated by the Town or its contractors.

**CONTINUOUS ENFORCEMENT ORDER.** A continuous enforcement order is an order in relation to an unsafe building pursuant to I.C. §36-7-9, et seq., or a real property nuisance pursuant to §36-1-6, et seq., that:

1. Is issued for compliance or abatement and that remains in full force and effect on a property without further requirements to seek additional compliance and abatement authority or seek additional orders for the same or similar violations; and
2. Authorizes specific ongoing compliance and enforcement activities if a property requires reinspection or additional periodic abatement; and
3. Can be enforced, including assessment of fees and costs, without the need for additional notice or hearing; and
4. Authorizes the office of the Clerk-Treasurer to assess and collect ongoing costs for continuous enforcement order activities from a party that is subject to the notice.

**DEBRIS.** The remains of something broken down, unused for prolonged periods, discarded, abandoned, dilapidated or destroyed, which accumulates and poses a threat to the health, safety and welfare of persons and property, and includes by way of illustration and not limitation: refuse; accumulation of items on public or private property which could pose serious health or safety risks to persons or property; yard refuse, rank vegetation cut but not disposed of, animal remains; trash; junk cars, parts of automobiles or other vehicles which are no longer mobile; pieces or sheets of glass (whether fractured or whole); wood, particle board, bark, wood chips, lumber or other building materials; metal items from any source (whether rusted or not); broken fencing or other barrier with exposed nails, splinters or sharp edges; wire, cables, hoses, ropes, chains or other items which pose a choking or strangling threat to children or other persons; rubber products, gasoline or other flammable liquids, gases and solids, gasoline cans (whether in approved or unapproved containers for storage), oil cans, oil pans, oil or any other type of surface coating; improperly stored industrial detergents and mineral cleaners; grease, alone or in any container, chemical cleansers; refrigerants (including Freon); acetylene, propane, oxygen or other chemical used for welding or manufacturing process accumulated and stored (whether properly or improperly) in containers which are unsafe or unsafely stored; any other items not herein mentioned which accumulate and pose a threat to the health, safety and welfare of person and property.

**ENVIRONMENTAL PUBLIC NUISANCE.** A thing, act, occupation, condition or use of property which shall continue for a length of time as to:

1. Annoy or may annoy, injure or has the potential to injure, or endanger or has to the potential to endanger the comfort, health, repose, safety or welfare of persons or property;
2. In any way renders the public insecure in life or in the use of property;
3. Greatly offends the public morals or decency;
4. Unlawfully and substantially interferes with or may interfere with, obstruct or tend to obstruct, or render and have the potential to render any street, alley, highway, navigable body of water, or public right-of-way dangerous or potential danger to person or property;
5. Is injurious to health, indecent, offensive to the senses or an obstruction to the full use of property, so as essentially to interfere with the comfortable enjoyment of life or property;

6. Any growth of weeds, grass or other rank vegetation on private or public property which is neglected, disregarded or not cut, mowed or otherwise removed and/or which has attained a height of 6 inches or more;

7. Any accumulation of dead weeds, grasses or brush on private or public property;

8. Any poison ivy, ragweed, rank vegetation, poisonous plant or plants detrimental to health, growing on any private or public property;

9. Property which has been allowed to become a health or safety hazard, or which has accumulated litter, contains debris, an unsafe building, abandoned vehicles, waste products, graffiti or any other items which pose a threat to the health, safety and welfare of persons and property, unless specifically authorized under existing laws and regulations; and/or

10. A **PUBLIC HEALTH NUISANCE**, as defined below.

**GARBAGE.** Rejected food wastes, and shall include every waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

**GRAFFITI.** Markings of any kind, regardless of content, that may cause or do cause passerby to obstruct, delay or disturb the regular flow of traffic (whether pedestrian or vehicular), thereby creating a potential threat to the health, safety and welfare of citizens or property. The markings are defined as any markings which deface, deform, mar or which cause the defacing, deforming or marring of any public or private property, regardless of ownership or possessory interest therein, including by way of illustration and not limitation, buildings, trees, lampposts, poles, hydrants, bridges, piers, sidewalks, streets, alleyways or surface of any public or private property located upon any public thoroughfare or right-of-way, or upon any public place within the town. However, this section shall not prohibit the posting of notices required by law to be posted.

**INERT MATERIAL.** Dirt, soil, brick, broken concrete or similar materials.

**JUNK.** Any articles in any form composed of or consisting of any of the following enumerated secondhand, discarded, abandoned or case-off metals or materials, namely iron, brass, bronze, copper, tin, zinc, lead or any other metals or compounds thereof, broken glass, rags, clothing, rubber, plastics, synthetic substances, fabrics, bottles, papers, feathers, waste material, any compound or by-product of the foregoing items. **JUNK** shall also include and mean wrecked, abandoned, dismantled or immobile vehicles or parts thereof.

**JUNK CAR.** Any motor vehicle which does not bear a currently valid license plate, and is not kept in a garage or building, regardless of age or condition.

**MECHANICALLY INOPERABLE.** A vehicle that is not readily capable of being operable, such as by having uninflated tires and a battery incapable of starting the engine.

**OWNER.** Any one or more of the following:

1. The person or entity with an ownership or occupancy interest in a structure of a parcel of real estate including the life tenant or tenants if any;

2. The record owner or owners as reflected by the most current records in the county

auditor where the real estate is located; or

3. The purchaser or purchasers of real estate under any contract for the conditional sale thereof.

**PUBLIC HEALTH NUISANCE** includes, but is not limited to the following specific situations:

1. All decayed, harmfully adulterated or unwholesome food or drink offered to the public;
2. Carcasses of animals, birds or fowl not carried off or otherwise disposed of in a sanitary manner within 24 hours after death;
3. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, junk vehicles, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed, or may be a fire hazard;
4. All stagnant water in which mosquitoes, flies or other insects may multiply;
5. Garbage cans which are not fly-tight, or not kept clean;
6. Pollution of any public well, cistern, stream, river, lake, canal or body of water by sewage, waste, pollution, industrial wastes or other substances;
7. The escape of smoke, soot, cinders, noxious acids, fumes, gases, flying ash or industrial dust within the town limits in quantities which may or does cause injury or endanger the health of persons or threatens or causes substantial injury to property;
8. Any use of property, substances or things within the town limits emitting or causing foul, offensive, unpleasant, nauseous, noxious or disagreeable odors, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town; or any slaughter house;
9. All abandoned wells not securely covered or secured;
10. Any accumulation of junk, rubbish, scrap metal, automotive parts, building materials, machinery, dead trees or parts of dead trees, upon any premises in a residential or non-residential area;
11. Any abandoned refrigerators, freezers or similar appliances from which the doors and other covers have not been removed, or which are not equipped with a device for opening from the inside by pushing only with the strength of a child, or which may or may not contain rust, or which have refrigerant in any part thereof or which still have electrical cables attached regardless of age;
12. Any sign of any size, shape, content or purpose, which infringes upon the town's right-of-way easement from the center of the road to location of the sign, or which poses a serious threat to the health, safety or welfare of the citizens of the town; or
13. Whenever any animal of any species, whether or not it is kept as a household pet, is allowed to run at large in the town or is a hazard to the health and safety of any person, or is allowed to disturb the peace and quiet of one or more neighbors, whether through loud and frequent barking, damage to property, noxious odor, or otherwise.

**REFUSE.** Garbage, rubbish or any combination thereof.

**RUBBISH.** Solid wastes including incinerator ashes, inert material, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, metals, and similar materials or litter of any



kind.

**SHADE.** Protection from the direct rays of the sun during the months of June through September.

**SHELTER.** As it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least two inches from the ground and with the entrance covered by a flexible, wind- proof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and dampness.

**SUBSTANTIAL PROPERTY INTEREST** means any right in real property that may be affected in a substantial way by actions authorized by Indiana Code 36-7-9, et seq., including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser.

**UNSAFE PREMISES.** Any premises, building or structure, or any part of a building or structure, defined as unsafe by I.C. 36-7-9-4, as may be amended from time to time.

**VICIOUS ANIMAL.** Dogs that display vicious characteristics, as well as any animal that has been known to have bitten, or otherwise physically molested or inflicted a personal injury upon a human being without provocation, or an animal who promiscuously attacks other animals, or has chased or approached a person at some place other than its owner's or keeper's property, in a menacing fashion or apparent attitude of attack (collectively referred to herein as "vicious").

**WEEDS AND RANK VEGETATION.** Weeds and rank vegetation include grasses and those weeds and growing vegetation which is excessively vigorous in growth, shockingly conspicuous, malodorous and/or flagrant, or tends to overgrow or choke out plants that are more desirable. Weeds and rank vegetation do not include agricultural crops, such as hay and pasture.

**WILD ANIMAL** means any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx, bear or any other animal or any bird of prey which can normally be found in the wild state.

## **§ 90.02 ANIMAL NUISANCES.**

### **(A) MANNER OF KEEPING.**

1. All pens, yards or runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

2. Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

Penalty, see §10.99.

**(B) RUNNING AT LARGE PROHIBITED.** It shall be unlawful for any person owning or possessing any dog or cat to permit the same to run at large. A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it. Further, no dog or cat shall be permitted in any cemetery, or any swimming areas open to the public in the Town. Penalty, see § 10.99

**(C) BARKING DOGS.** It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Penalty, see § 10.99.

**(D) NUMBER OF ANIMALS RESTRICTED.** It shall be unlawful for any person or persons to keep more than five dogs or five cats within the Town with the exception that a litter of pups or a litter of kittens, or a portion of a litter may be kept for a period time not exceeding five months from birth. Penalty, see § 10.99.

**(E) CHICKENS.**

1. It shall be lawful for residents of the Town to keep chickens and no other fowl on residential lots within the Town, under the following conditions:

- a. No more than five (5) hens at any time.
- b. No roosters are permitted.
- c. The hens are kept in a chicken coop or other similar enclosed structure which provides, at a minimum, adequate sun, shade and ventilation for the chickens, and which shall be:
  - d. No more than four (4) feet by eight (8) feet, excluding fencing, with an exterior fenced run of at least eight (8) square feet per chicken;
  - e. Impermeable to rodents, wild birds, and predators, including cats and dogs;
  - f. No more than ten (10) feet in height;
  - g. Setback at least twenty-five (25) feet from property boundaries;
  - h. Located behind a residence.
  - i. Any other reasonable conditions imposed by the Town Council, after any neighbors have had an opportunity to express any concerns they may have.

2. In addition to the penalty set forth in §10.99 for violation of this section, a violation may cause the owner to be thereafter prohibited from having chickens on their property.

3. All coops and other buildings wherein domesticated animals and birds are kept shall be provided with flytight bins or other tightly closed receptacles for manure, of dimensions sufficient to contain all accumulations of manure as to prevent it becoming a nuisance. No manure shall be allowed to accumulate on the floor or on adjacent ground.

(Ordinance 1993-3, amended by Ordinance No. 1997-6, amended by Ordinance No. 1998-10, amended by Ordinance No. 2013-11, passed September 3, 2013, amended by Ordinance No. 2020-0702D, passed July 2, 2020)

**(F) WILD AND VICIOUS ANIMALS.**

1. It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal, including for display or for exhibition purposes, whether gratuitously or for a fee, unless a permit is granted by the Department of Natural Resources and approved by the Town Council. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

2. It shall be unlawful for any person to harbor or keep a vicious animal within the town. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment, to the satisfaction of any court of competent jurisdiction, of the vicious character of said animal, it may be killed by a police officer or humane officer, provided however, that this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

**(G) INJURY TO PROPERTY.**

1. It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

2. It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped.

**(H) USE OF SHELTER.** The Town Council may arrange for access to the service of an animal pound or shelter. The Town Council is authorized to enter into contracts for fulfillment of its duties hereunder and to make payments thereunder in amounts not to exceed monies appropriated for such purposes by the Town Council.

**(I) CARE REQUIRED.** It shall be unlawful for any person in charge of any animal to fail, refuse or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner. Penalty, see § 10.99.

**(J) MISTREATMENT PROHIBITED.** It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered for proper disposal. Penalty, see § 10.99

**(K) ABANDONMENT PROHIBITED.** It shall be unlawful for any owner of any dog, cat or other animal to abandon the same within the Town. Penalty, see § 10.99

**(L) POISONING PROHIBITED.** It shall be unlawful for any person to throw or deposit any poisonous substance in any of the streets, alleys, parks, commons, yards or other places, whether public or private, within the town, so that the same shall be liable to be consumed by any animal; provided, that it shall not be unlawful for a person to expose on his or her own property common rat poison mixed only with vegetable substances. Penalty, see § 10.99

**(M) RABIES AND ANIMAL BITES.** Whenever any domesticated animal has bitten a person, it shall be confined in such place as the police department may direct and for such period of observation as may be necessary, unless such animal is too vicious and dangerous to be impounded safely, in which case it may be humanely disposed of.

**(N) DISPOSITION OF ANIMALS.** Notwithstanding any other provisions of this chapter, the chief of police or any town police officer is authorized to immediately destroy any vicious or ferocious animal which cannot be safely captured or kept in custody by usual and available means, or which is observed to be attacking a person or livestock. Whenever any impounded dog or cat shall bear an identification mark such as a collar or license tag, the owner shall be notified forthwith. There shall be no required holding period before returning any impounded animal to the owner, unless the animal is suspected of having rabies in which case the impounded animal shall be held for a minimum of ten (10) days.

At the end of seven (7) days (or ten (10) days if rabies is suspected), the impounded dog or cat shall be disposed of unless the owner thereof shall reclaim such dog or cat and pay at the Town hall the reasonable cost of keeping such dog or cat and an impounding fee of twenty-five dollars (\$25.00) per day, in addition to a penalty described in §10.99, for each impounding. The destruction of any impounded dogs or cats by any police officer or any person designated by the Town Council under the provisions of this ordinance shall be by means of a humane manner.

**(O)** Enforcement, see Section 90.05(A).

### **§ 90.03 REAL ESTATE NUISANCES.**

**(A) PESTS.** Permitting buildings or premises to become infested by insects, rodents or other pests is prohibited, and constitutes a public nuisance. Any such building or premises shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent infestation. Penalty, see §10.99

**(B) ENVIRONMENTAL PUBLIC NUISANCES AND PUBLIC HEALTH NUISANCES.** Permitting or causing an environmental public nuisance or a public health nuisance, as defined herein, on public or private property, is prohibited and constitutes a public nuisance. Penalty, see §10.99 (Chapter 103, 1985 Code, amended by Ordinance No. 2008-11, passed November 3, 2008, amended by Ordinance No. 2020-1217, passed December 17, 2020)

**(C) WEEDS AND RANK VEGETATION; TALL GRASS.** It shall be unlawful for the owner of any lot or tract of land within the Town to permit or allow weeds or rank vegetation to grow in excess of eight (8) inches in height because such growth constitutes a hazard to the health, safety and comfort of the citizens of the Town. Penalty, see § 10.99.

1. Weeds shall include grasses and those weeds and growing vegetation which is excessively vigorous in growth, shockingly conspicuous, malodorous and/or flagrant, or tends to overgrow or choke out plants that are more desirable.

2. Rank vegetation shall mean grass or plants, other than trees, bushes, or flowers growing in a profuse and unmanageable way.

3. Agriculture crops, such as hay or pasture, shall not be weeds or rank vegetation.

(Ordinance No. 2019-0606B, passed June 6, 2019, amending Ordinance No. 2008-9, passed November 3, 2008; amending Ordinance No. 1992-4, passed December 1, 1992) (Indiana Code 36-7-10.1-3)

**(D) OBSTRUCTION OF RIGHTS-OF-WAY.**

1. It shall be unlawful for any resident or non-resident persons or businesses to blow, sweep, place or deposit any garbage, debris or refuse, including, but not limited to construction material or such debris, rock, earth or sod, grass clippings, shrub clippings, leaves, vines, small trees, brush, limbs, burn barrels, tires, animal carcasses or parts thereof, appliances, and hazardous waste, whether generated by household or business; in the street or public right-of-way, in and around the town. Penalty, see §10.99

2. The Town Council may, as it deems necessary, allow for exceptions to division (1) of this section, to enable the collection of leaves, lawn or shrub clippings, vegetation, earth or sod, or other debris as needed and for the limited time frames specified by the Town Council. This section shall not be intended to prevent persons from placing trash receptacles or large items of debris on the public right-of-way for trash collection by private contractors, except that such trash, debris, or other materials, shall not be placed in the roadway or upon the public sidewalks and shall be placed out a reasonable time before the scheduled pick-up and any remaining items, promptly removed after the scheduled pick-up.

3. No tree or large shrub shall be planted by the owner or occupant of any property in the area between the paved portion of the street and the sidewalk, whether such is actually within the street right-of-way or on the owner's property. In areas of the Town where there are no sidewalks, no tree or large shrub shall be planted by the owner or occupant of any property within six (6) feet of the paved portion of the street. The owner or occupant of a property on which or adjacent to which there already is a tree or large shrub planted between the paved portion of the street and the sidewalk or within six (6) feet of the paved portion of the street in an area where there is no sidewalk is encouraged to trim or remove such tree or shrub to protect new sidewalks and to promote safety and visibility for pedestrians and motorists. Penalty, see §10.99. ((Chapter 107, 1985 Code, amended by Ordinance No. 2003-7, passed November 3, 2003)

**(E) BURNING.**

1. Open fires, also called outdoor fires, are prohibited within the Town except as specifically permitted by this Section.

2. A person may open burn as follows:
  - a. On residentially-zoned real estate, when contained in a fire pit with a metal or gravel bottom, or similar structure no more than five (5) feet in diameter, or within a non-combustible container with a screen cover, in which only clean (uncoated or unpainted) wood or wood products are burned.
  - b. For maintenance purposes a person may open burn vegetation from a farm, orchard, nursery, tree farm, or a drainage ditch, as permitted by Indiana law.
  - c. The Town Street Department may burn vegetation and wood products derived from pruning or clearing a roadside.
  - d. For recreational, social, or religious purposes, a person may open burn for cooking, celebration, religious or social ceremonies, or personal comfort, provided that such fires comply with the following:
    - i. Only clean wood products, paper, charcoal, or clean petroleum products may be burned;
    - ii. The nearest local fire department must be notified at least 24 hours prior to any burning where the size of the pile being burned is more than 125 cubic feet;
    - iii. Fires shall not be ignited prior to two hours before the activity or meeting is to take place and shall be extinguished upon the conclusion of the activity or meeting; and
    - iv. No fire shall be used for refuse disposal purposes.
  - e. **For special circumstances approved by the Town Council, including but not limited to:**
    - i. Environmentally prescribed burning;
    - ii. Burning of vegetation by fire departments and firefighters to create fire breaks or for training;
    - iii. When a variance from 326 IAC 4-1 has been approved by the state's Department of Environmental Management; and
    - iv. Emergency burning following natural disasters.
  - f. Any open burning is subject to the following conditions:
    - i. A person shall extinguish the fire if the fire creates:
      - A. A pollution problem;
      - B. A threat to public health;
      - C. A nuisance; or
      - D. A fire hazard.
    - ii. Burning may not be done during unfavorable meteorological conditions such as high winds, temperature inversions or air stagnations.
    - iii. All fires must be attended at all times during burning until completely extinguished.
    - iv. No non-wood building materials, including asbestos, may be burned.
    - v. Burning may not be commenced before sunrise or added to after sunset, and must be extinguished by one hour after sunset.
    - vi. Burning shall be more than 20 feet from any structure owned by the person performing the burn, a road, or a power line; and 100 feet from any fuel storage area. pipeline or structure not owned by the person.
3. The following burning is prohibited:

- a. Burning of any material is prohibited on any real estate zoned other than residential or agricultural.
- b. Burning of any substance other than those permitted in this section is prohibited.
- c. Burning that causes annoyance or creates a condition which interferes with the health or well-being of any individual in his or her home or place of employment or recreation, or which interferes with the normal use and enjoyment of any such place.
- d. Burning of leaves that have fallen from trees or shrubs, non-woody plant matter, weeds, grass clippings, or other material that can be composted is prohibited, except during the months of October and November, or when the County has stopped their leaf collection service.

4. In addition to any penalty imposed in §10.99, the offender shall be responsible for all costs of abatement and the recording and administrative fees as set forth above, and for any legal costs incurred by the town to collect any such abatement costs, administrative fees, or penalties. (Penalties, see §10.99). (Chapter 106, 1985 Code, repealed by Ordinance No. 1999-1, passed June 1, 1999, amended by Ordinance No. 2020-1217, passed December 17, 2020)

**(F) UNSAFE BUILDINGS AND UNSAFE PREMISES.**

1. The Town Council adopts and incorporates by reference the provisions of Indiana Code 36-7-9, et. seq., as that law may be amended from time to time (hereinafter, “the Indiana Unsafe Building Law”), as the Town of Williamsport’s Unsafe Building Law. All proceedings within the Town of Williamsport for the inspection, repair and removal of unsafe buildings, structures and premises shall be governed by said law and the provisions of this Section. In the event that the provisions of this Section conflict with the provisions of the Indiana Unsafe Building Law, the provisions of that law shall control.

2. Under the Town of Williamsport’s Unsafe Building Law, the following entities are identified and designated:

- a. The “Department” described in I.C. 36-7-9-3, as that section may be amended from time to time, shall mean the Town Council.
- b. The “Enforcement Authority” shall mean the Warren County Building Inspector, who is designated as the Town Unsafe Building Inspector for purposes of enforcing this Section as it pertains to real estate within the Town boundaries. Further, the Unsafe Building Inspector is authorized to administer and to proceed under the provisions of the Indiana Unsafe Building Law in ordering actions relating to unsafe buildings and unsafe premises, in the designated territories, as those terms are described in I.C. 36-7-9-4, as that section may be amended from time to time.
- c. The “Hearing Authority” shall mean the Town Council.

3. The Town Council specifically adopts by reference the definition of “substantial property interest” as that definition is defined at Indiana Code 36-7-9-2, as that section may be amended from time to time.

3. Enforcement, for Sections 90.03(A), (B), (C), (E) and (F), see Section 90.05(B). For Section 90.03(D), see Section 90.05(C). For Section 90.03(G), see Section 90.05(D). Penalty, see §10.99

**§ 90.04           VEHICLE NUISANCES.**

**(A)     JUNKED AND ABANDONED VEHICLES.** It shall be unlawful for any person owning or having custody of any junked or abandoned motor vehicle or motor vehicle accessories to store or permit any such vehicle or accessories to remain on any private property within the Town for a period of more than ten (10) days after the expiration of the notice requiring such removal, and it shall be further unlawful for any person owning any private property in the Town to store or to permit to remain any such vehicles or accessories on his property for more than a like period. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this Section.

It shall be unlawful for any person, after notification to remove any junked or abandoned motor vehicle or motor vehicle accessories from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.

This section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building, or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers. Such business enterprises shall include auto junk yards, auto repair and auto body shops, but shall not include automobile service stations or tire, battery and accessory sales stores. Penalty, see §10.99.

(Chapter 85, 1985 Code, Chapter 86.5, 1985 Code, amended by Ordinance No. 2006-4, passed August 1, 2006, amended by Ordinance No. 2020-1217, passed December 17, 2020)

**(B)     Tagging.** With the exception of a vehicle that is at least 3 model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 20 days, the Town Marshal or his deputies shall tag abandoned vehicles as set forth in Indiana Code 9-22-1-11. If the vehicle isn't removed with the time permitted by Indiana Code 9-22-1-11, the officer shall prepare a vehicle report as described in Indiana Code 9-22-1-12 and photograph the abandoned vehicle. Copies of the vehicle report and photographs shall be provided to the storage yard or towing service when the officer complies with Indiana Code 9-22-1-13 and 9-22-1-14. The officer shall comply with the notice provisions of Indiana Code 9-22-1-19 within three (3) business days of the towing of the vehicle.

**(C)     Enforcement,** see Section 90.05(B). Penalty, see §10.99

**§ 90.05           NUISANCE ENFORCEMENT.** For purposes of enforcing violations of Chapter 90, the Town Marshal, his deputies and any Code Enforcement Officers (hereinafter “CEOs”) designated by the Town Council may enforce nuisance violations. CEOs may only enforce Town Code violations and shall not attempt to enforce any Indiana statutes.

**A.     Enforcement of §90.02 Animal Nuisances.**

1.     For violations witnessed by members of the Police Department or CEOs, the responsible party may be issued a Citation for the code violation, in the officer's or CEO's discretion.



2. Alternatively, after witnessing a violation, or after receiving a complaint of an animal nuisance, inspecting the alleged violation and agreeing that a code violation has occurred, the Police Department or CEO should:

a. Document the condition violating the Town Code and identify the responsible party (e.g., owner of animal, owner of real estate, tenant or occupant).

b. Prepare a Notice of Violation to the responsible party, identifying the date, time and place of violation, the Code section(s) violated, and the date by which the responsible party must correct the violation, allowing no less than fifteen (15) days after mailing the Notice via **first class mail**, or ten (10) days after personal service, leaving a copy at the responsible party's residence or by electronic service at an email address provided by the responsible party, of the Notice.

c. After the time for correction has passed, the Police Department or CEO shall re-inspect the alleged violation and document the condition violating the Town Code. If the violation has not been corrected or abated, the Police Department or CEO shall issue a Citation to the responsible party. The Citation shall identify the date, time and place of violation, the Code section(s) violated, the per-day penalties under Section 10.99 associated with the violation, which shall commence on the date of the Citation, and explain that the violation may be admitted, corrected and paid before the Clerk-Treasurer within thirty (30) days after sending the Citation, or if not, it will be filed with the appropriate court as an ordinance violation. The Citation shall be sent by first class mail, personal service on the responsible party, leaving a copy at the responsible party's residence, or by electronic service at an email address provided by the responsible party.

d. If the Citation is not admitted, corrected and paid to the Clerk-Treasurer's Office within thirty (30) days, the Citation shall be filed with the appropriate court as an ordinance violation and a copy will be sent to the Town Attorney.

**B. Enforcement of §90.03(A), (B), (D), (E), (G) and (H) Real Estate Nuisances and §90.04(A) Vehicle Nuisances, including abandoned vehicles that are at least 3 model years old, are mechanically inoperable, and are left on private property continuously in a location visible from public property for more than 20 days.**

1. For violations witnessed by members of the Police Department or CEOs, the **owner and parties with substantial interests of record (the "Owners")** (e.g., owner, contract purchaser, tenant, mortgagee, and lienholders) may be issued a Citation for the code violation, in the officer's or CEO's discretion.

2. Alternatively, after witnessing a violation, or after receiving a complaint of a real estate or vehicle nuisance, inspecting the alleged violation and agreeing that a code violation has occurred, the Police Department or CEO should:

a. Document the condition violating the Town Code and identify the Owners.

b. Prepare a Notice of Violation to the Owners identifying the date,

time and place of violation, the Code section(s) violated, and the date by which the Owners must correct the violation, allowing no less than fifteen (15) days after mailing the Notice via **certified mail and by first class mail**, or ten (10) days after personal service, leaving a copy at the Owners' residence or by electronic service at an email address provided by the Owners, of the Notice.

c. After the time for correction has passed, the Police Department or CEO shall re-inspect the alleged violation and document the condition violating the Town Code. If the violation has not been corrected or abated, the Police Department or CEO shall issue a Citation for the violation to the Owners. The Citation shall identify the date, time and place of violation, the Code section(s) violated, the per-day penalties under Section 10.99 associated with the violation, which shall commence on the date of the Citation, the date by which the Owners must correct the violation, allowing no less than fifteen (15) days after mailing the Citation via **certified mail and by first class mail**, or ten (10) days after personal service, leaving a copy at the Owners' residence or by electronic service at an email address provided by the Owners, of the Citation, and explain that Town employees or contractors will thereafter correct the violation and issue a bill for the costs associated with bringing the real estate or vehicle nuisance into compliance. The Citation shall specify that in the event the Owners wish to appeal the Citation, the Owners must notify the Clerk-Treasurer within fifteen (15) days after the mailing of the Citation sent via **certified mail and by first class mail**, or ten (10) days after the personal service, the leaving of a copy at the Owners' residence or the electronic service at an email address provided by the Owners, of the Citation, and request to be placed on the agenda of the next Town Council meeting, or at a later meeting at the option of the Clerk-Treasurer. At the meeting the Town Council members present shall vote for or against the appeal and the majority shall prevail. If the Town Council denies the appeal, the Owners shall have seven (7) days to comply with the Citation. d. If the violation isn't corrected within the time permitted in the Citation, and no appeal is taken, or if an appeal is taken and denied and the violation isn't corrected within the time permitted, the Town or its contractors may enter the property and abate the real estate nuisance pursuant to I.C. 36-1-6, et seq. or the vehicle nuisance. The Town employees or the contractor shall submit a statement of costs to the Clerk-Treasurer's Office upon completion, and the Clerk-Treasurer's Office shall issue a Notice of Abatement Costs letter, which includes abatement costs, as well as administrative expenses of Clerk time spent generating notices and mailing costs, to the each of the Owners by via **certified mail and by first class mail**, or by personal service, leaving a copy at the Owners' residence or by electronic service at an email address provided by the Owners.

e. The Notice of Abatement Costs shall specify that in the event the Owners wish to appeal the Notice, the Owners must notify the Clerk-Treasurer within fifteen (15) days after the mailing of the Notice of

Abatement Costs letter sent via **certified mail and by first class mail**, or ten (10) days after the personal service, the leaving of a copy at the Owners' residence or the electronic service at an email address provided by the Owners, of the Notice of Abatement Costs letter, and request to be placed on the agenda of the next Town Council meeting, or at a later meeting at the option of the Clerk-Treasurer. At the meeting the Town Council members present shall vote for or against the appeal and the majority shall prevail. If the Town Council denies the appeal, the Owner shall have seven (7) days to pay the abatement costs.

f. If the abatement costs aren't paid within the time permitted in the Notice of Abatement Costs, and no appeal is taken, or if an appeal is taken and denied and the abatement costs aren't paid within the time permitted, the Clerk-Treasurer's Office shall complete and record a Notice of Lien with the County Recorder, pursuant to IC §36-1-6-2, so that the Auditor places the costs on the tax duplicate for the property to be collected as delinquent taxes are to be collected.

### **C. Enforcement of §90.03(C) Weeds and Rank Vegetation; Tall Grass**

1. The Town Council shall be responsible for the administration of §90.03(D), the Clerk-Treasurer's Office shall be responsible for the provision of all mailings and filings required as set forth below, and the Police Department or CEOs shall be responsible for personal service of notices.

2. When the town officials become aware of the existence of a violation of Section 90.03(D), a Notice of Violation shall be sent by **first class mail**, personal service, leaving a copy at the owner of record's ("Owner") residence or by serving the agent of the Owner, or at least one of the owners of real property with multiple owners, at the last address of the Owner for the property as indicated in the records of the County Auditor on the date of the Notice.

3. If an initial Notice of Violation was provided in the manner described above, a Continuous Abatement Notice may be posted at the property at the time of abatement instead of being sent by first class mail, certified mail, personal service or by leaving a copy at the residence of the Owner. A Continuous Abatement Notice serves as notice to the owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the Town, or its contractors, without further notice.

4. The Notice of Violation shall inform the Owner of the following, which are the procedures hereby adopted for giving the owner notice, abating the nuisance and billing and collecting any sums due therefrom:

a. There appears to be weeds and rank vegetation, including grass, growing on the Owner's property exceeding six (6) inches, contrary to Section 90.03(D);

b. The Owner has fifteen (15) days after the mailing of the Notice of Violation sent via **first class mail**, or ten (10) days after the personal service, the leaving of a copy at the Owners' residence or by serving the agent of the Owner, of the Notice of Violation to cause the property to be brought into compliance with Section 90.03(D);

c. In the event that the property is not in compliance within fifteen

(15) days after the mailing of the Notice of Violation sent via **first class mail**, or ten (10) days after the personal service, the leaving of a copy at the Owners' residence or by serving the agent of the Owner, of the Notice of Violation, the Town or its contractors will enter the property and use their own equipment and personnel to mow the property to abate the violation;

d. The Owner will be billed following the provision of these services in the minimum sum of \$250 which, depending on the administrative costs, actual hours of labor expended and costs of postage for notices, may be higher. That in the event that the bill is not paid within thirty (30) days of its mailing to or service on the Owner, the bill will be deemed delinquent. Delinquent weeds and rank vegetation abatement billings and tall grass billings may be collected by billing, by filing a civil action which will include reasonable attorneys fees, by having the Clerk-Treasurer certify the amount of the bill, plus any additional administrative costs incurred in certification, in a Notice of Lien with the County Auditor pursuant to Indiana Code 36-7-10.1-4 or by foreclosing a lien.

e. That in the event the Owner wishes to appeal the Notice of Violation or bill, the Owner must notify the Clerk-Treasurer within fifteen (15) days after the mailing of the Notice of Violation or bill sent via **first class mail**, or ten (10) days after the personal service, the leaving of a copy at the Owners' residence or by serving the agent of the Owner, of the Notice of Violation or bill and request to be placed on the agenda of the next Town Council meeting, or at a later meeting at the option of the Clerk-Treasurer. At the meeting the Town Council members present shall vote for or against the appeal and the majority shall prevail. If the Town Council denies the appeal, the owner shall have seven (7) days to make payment. In the event the bill is not paid within (7) days of the decision of the Town Council, it is delinquent and shall be collected as set forth above.

**D. Enforcement of §90.03(F) Unsafe Buildings and Premises.** Violations of §9003(D) and the Indiana Unsafe Building law, IC 36-7-9, et seq., shall be enforced as set forth in IC 36-7-9, et seq. by the Town's Unsafe Building Inspector.

**E.** In addition to fines for violations of this chapter, the Town Council may:

- a. Declare the premises to be unsafe;
- b. Issue an emergency order where immediate action is required to protect the health and safety of the public or of the occupants of the premises; and
- c. Seek any of the additional relevant remedies provided by state law or local ordinance.

**2. Civil Action or Foreclosure for Nonpayment**

a. If the costs incurred by the Town for the correction of the public nuisance are not paid to the Town as herein provided and become delinquent, then the amount due the Town for such corrective action, the penalty thereon and all costs of collection thereof, including a reasonable attorney's fee, may be recovered by the Town in a civil action brought in

the name of the Town against the owner of the premises responsible for payment thereof.

b. If the costs incurred by the Town for the correction of a public nuisance is not paid to the Town as herein provided and becomes delinquent, the Town, as an additional or alternative remedy, may foreclose the lien created by this chapter as a means of collecting the amount due the Town for sale of the premises be made without relief from valuation and appraisal laws.

c. In addition to the enforcement remedies provided by this subchapter, the Town may enforce the provisions of this subchapter, by all other legal remedies, including but not limited to, the use of a mandatory injunction to required abatement of any public nuisances within the Town by the owner or occupant of the affected premises. In all such actions brought by the Town to enforce the provisions of this subchapter, the Town is entitled to recover all cost of such litigation, including reasonable attorney fees and all costs of collection.

3. **Transfer of Ownership.** It shall be unlawful and a violation of this Chapter for the owner of any premises who has received a Notice of Violation to sell, transfer, mortgage, lease or otherwise dispose of the premises to another until the provisions of the notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any notice of violation and shall furnish the Town a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by the notice of violation.

4. **Continuous Enforcement Order.** Any property owner who fails to abate any nuisance described in Section 90.03, shall be deemed to be in violation of this section and may be issued a Continuous Enforcement Order as set forth in this Section. Notice of Violations by the Common Council or its designee, shall be sent to the owners and parties with substantial interests of record (the "Owners") (e.g., owner, contract purchaser, tenant, mortgagee, and lienholders) via **certified mail and by first class mail**, or by personal service, leaving a copy at the Owners' residence or by electronic service at an email address provided by the Owners. One letter within a calendar year shall be deemed sufficient notice for each and every lot, parcel, and lands owned by the offender within the corporate limits of the City. The City shall have the right to abate any real estate nuisance upon the Owner's failure to do so within fifteen (15) days after the mailing of the Continuous Enforcement Order sent via **certified mail and by first class mail**, or ten (10) days after the personal service, the leaving of a copy at the Owners' residence or the electronic service at an email address provided by the Owners, of the Continuous Enforcement Order. A Continuous Enforcement Order may be posted at the property at the time of abatement in the event the City initially obtains service upon the property owner as required by IC 36-7- 10.1-3. The Continuous Enforcement Order shall serve as notice to the real property owner that each subsequent violation during the same calendar year for which the initial notice of the violation was provided may be abated by the City or its contractors.

(Ordinance No. 2022-0915, passed September 15, 2022)

## CHAPTER 95: SIDEWALKS

### Section

#### 95.01 Sidewalks

### § 95.01 SIDEWALKS

(A) No vehicles shall be parked on public sidewalks.

(B) Owners of property adjacent to public sidewalks are fully responsible for the maintenance of such sidewalks.

The town may order the property owner to repair the sidewalks, if they are found to be in an unsafe condition, at the owner's expense, within a given amount of time, not to exceed thirty (30) days. If such repair is not made, the Town Council may cause the necessary repairs to be made and shall bring the costs as a lien against the property on the tax rolls. The procedures to be followed, as to the notice, abatement, cost of repair and appeal, are those as set out in the Weed and Other Rank Vegetation Section. Payment of the expenses of repair shall not relieve the person from paying the fine provided for violation of this ordinance.

(C) If a public sidewalk is cut or damaged, whether by construction or other cause, owners of property adjacent thereto shall repair the sidewalk within a sixty (60) day period.

(D) A private individual or business may construct or repair or lay pavement for a curb or sidewalk for a public way, at the owner's expense, by obtaining permission in advance from the Town Council.

The council's instructions as to the form and material to be used shall be followed. Currently the requirements are that the sidewalks be five (5) feet wide, four (4) inches thick and be of a crushed stone mix. Such work shall not impede the public way for an unreasonable length of time.

The Town will, if requested, remove and haul away any sidewalk being replaced, at no cost to the individual or business.

A private individual or business that constructs or repairs a sidewalk for a public way may file a claim against the town for a partial reimbursement of the cost, presently in the sum of three dollars and fifty cents (\$3.50) per running foot.

(E) Whenever the construction or repair of the sidewalks or curbs in any area of the town is deemed necessary by the Town Council, such sidewalks or curbs may be reconstructed or repaired in that area of the town at the town's expense, payable from general property tax revenues. Responsibility for maintenance and cleaning of the sidewalks following such construction or repairs remains with the adjacent property owners.

Whenever the construction or repair of the sidewalks or curbs in any area of the town is deemed necessary by the Town Council, such sidewalks or curbs may be constructed or repaired as a public improvement of the town assessed against the adjacent property owners by following the procedures set out in IC 36-9-36.

(F) Penalty, see §10.99.

(Chapter 107, 1985 Code, amended by Ordinance No. 1998-6, passed August 3, 1998, amended by Ordinance No. 1998-12, passed December 1, 1998, amended by Ordinance No. 1999-5, passed December 1, 1999, amended by Ordinance No. 2007-1, passed September 4, 2007, amended by Ordinance No. 2020-1217, passed December 17, 2020)

**TITLE XI: BUSINESSES**

- 110. AUTOMATIC AMUSEMENT DEVICES**
- 111. BILLIARD AND POOL HALLS**
- 112. ITINERANT MERCHANTS**
- 113. FAIR COMPETITION**



## **CHAPTER 110: AUTOMATIC AMUSEMENT DEVICES**

Section

110.01 Repealed.

§ **110.01 AUTOMATIC AMUSEMENT DEVICES**

Repealed.

(Repealed by Ordinance No. 2022-0721, passed July 21, 2022)

## **CHAPTER 111: BILLIARD AND POOL HALLS**

Section

111.01 Repealed.

§ **111.01 BILLIARD AND POOL HALLS**

Repealed.

(Repealed by Ordinance No. 2022-0721, passed July 21, 2022)

## CHAPTER 112: ITINERANT MERCHANTS

### Section

#### 112.01 Itinerant Merchants

### § 112.01 SOLICITATIONS

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

1. **BUSINESS:** The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

2. **CHARITY:** An organization recognized by the Internal Revenue Service and/or Indiana Department of Revenue as a not-for-profit organization.

3. **GOODS:** Merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.

4. **ITINERANT MERCHANT:** Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the municipality and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the municipality.

5. **PEDDLER:** (1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or (2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the municipality. A person who is a peddler is not an itinerant merchant.

6. **SOLICITOR:** Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

(B) No person, partnership or corporation shall solicit, peddle, sell or promote any item, merchandise, service or charity of any nature through door-to-door sales or contacts within the Town, except in compliance with this section.

(C) The requirement to obtain a license under this Section shall not apply to any of the following:

1. Any businesses who regularly visit pre-established customers at their residences, or who are invited onto a homeowner's premises (e.g., Culligan, Schwan's, etc.).

2. A person under the age of eighteen (18) years ("Juvenile"), engaged in conduct regulated by this Section for a charitable organization, is not required to obtain an individual permit, so long as an adult: (1) complies with all provisions of this Section, including obtaining a permit; (2) agrees to be responsible for the juvenile's actions; (3) remains at all times within twenty-five (25) feet of the juvenile in an open and visible location; and (4) upon request, the juvenile identifies the adult to the requesting party.

3. A person, business, entity, or organization, which owns, leases, or rents at a building or structure, open to the public, within the Town, for a period of at least thirty (30) continuous days prior to engaging in the conduct regulated by this Section.

4. A federal, state, or local municipal police department, fire department, or

municipality, or one acting on behalf of any of the aforementioned; a census taker; person seeking election to an office in which residents of the Town may vote; or any person or entity, which the Town Council may deem as exempt on a case-by-case basis, are exempt from this ordinance.

(D) Limitations on Licenses

1. No license issued under this Section shall be transferable.
2. All licenses issued shall expire 90 days after the issuance thereof.
3. No person may be issued a permit, who has been convicted of a felony under: I.C. § 35-42 (Crimes Against a Person), I.C. § 35-42-2 (Burglary), I.C. § 35-42-3 (Robbery) or any crime under:
  - a. I.C. §35-43-5-3 (Deception)
  - b. I.C. §35-43-5-4 (Fraud)
  - c. I.C. §35-43-5-4.3 (Card Skimming Device)
  - d. I.C. §35-43-5-15 (Fraudulent sales document manufacturing device)
  - e. I.C. §35-43-5-15 (Making false sales document)
  - f. I.C. §35-43-6 (Home Improvement Fraud)

(E) The practice of going in and upon residences in the town by transient salesmen, merchants, and itinerant vendors of goods not having been requested or invited to do so by the owner or occupant of those private residences, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, and of disposing of or peddling or hawking the same, is declared to be a nuisance and punishable as such.

(F) Applications

1. An application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. Applications should be made on forms available in the office of the Clerk-Treasurer. The application shall state:
  - a. The name and address of the applicant;
  - b. The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the municipality:
    - i. The local address of such individual;
    - ii. The permanent address of such individuals;
    - iii. The capacity in which such individual will act;
  - b. The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;
  - c. The time period or periods during which it is proposed to carry on applicant's business;
  - d. The nature, character, and quality of the goods to be offered for sale or delivered;
    - i. If goods, their invoice value and whether they are to be sold by sample as well as from stock;
    - ii. If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;
  - f. The nature of the advertising proposed to be done for the business;
  - g. Whether or not the applicant or the individual identified in division

(1)(b) above, or the person identified in division (1)(c) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense;

h. A description of any vehicle proposed to be used in the business, including its registration number, if any; and

i. If required by the Clerk-Treasurer, copies of all printed advertising proposed to be used in connection with the applicant's business;

(G) Food Vendors. Persons vending food shall be required to register at the Town Hall. At the time of registration, the food vendor shall comply with the following:

1. An application described in Section (F), and

2. The application shall have attached to it a statement from a licensed physician, dated not more than 10 days prior to the date of application, certifying the applicant to be free of contagious or communicable disease, and (b) proof of commercial general liability insurance for food sales in an amount of at least \$1,000,000.00, naming the Town as an additional insured.

(H) Penalty, see §10.99.

(Chapters 25, 26 and 27, 1985 Code, repealed and replaced by Ordinance No. 2020-0702C, passed July 2, 2020)

## CHAPTER 113: FAIR COMPETITION

### Section

113.01 Fair Competition

### § 113.01 FAIR COMPETITION

(A) The following shall apply in the interpretation and definition of this chapter: Attractions shall include riding devices, music, games, concessions and carnival food, including but not limited to cotton candy, candy/caramel apples, soft serve ice cream, popcorn, kettle corn, snow cones, Hawaiian ice, corn dogs, funnel cakes, elephant ears, and shake-ups.

(B) No person, firm, or corporation shall operate, maintain, or conduct any structure, booth, or vehicle for the purpose of operating or offering for sale any attraction that could be deemed as competition to the Warren County Fair within five hundred (500) feet of the Warren County Fairgrounds during the annual one-week period of the Warren County Fair.

(C) Penalty, see §10.99.

(Ordinance No. 2014-7, passed October 1, 2014)

**TITLE XIII: GENERAL OFFENSES**

- 130. CURFEW**
- 131. WEAPONS**
- 132. SMOKING**
- 133. LOITERING**

## CHAPTER 130: CURFEW

### Section

#### 130.01 Curfew

### § 130.01 CURFEW

- (A) It is a curfew violation for a child 15, 16 or 17 years of age to be in a public place:
1. between 12:00 P.M. Saturday and between 12:00 P.M. Sunday; (midnight) Friday and 5:00 A.M. (midnight) Saturday and 5:00 A.M.
  2. after 10:00 P.M. on Sunday, Monday, Tuesday, Wednesday or Thursday;
  3. before 5:00 A.M. on Monday, Tuesday, Wednesday, Thursday or Friday.
- (B) It is a curfew violation for a child under 15 years of age to be in a public place after 10:00 P.M. or before 5:00 A.M. on any day.
- (C) It is a defense to a violation under this chapter and section that the child was emancipated:
1. under IC 31-37-19-27 or IC 31-6-4-15.7 (before its repeal);
  2. by virtue of having married; or
  3. in accordance with the laws of another state or jurisdiction; at the time that the child engaged in the prohibited conduct
- (D) It is a defense to a violation under this chapter and section that the child engaged in the prohibited conduct while:
1. accompanied by the child's parent, guardian, or custodian;
  2. accompanied by an adult specified by the child's parent, guardian, or custodian;
  3. participating in, going to, or returning from:
    - a. lawful employment;
    - b. a school sanctioned activity;
    - c. a religious event;
    - d. an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
    - e. an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly;
    - f. an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults; or
  4. engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.
- (E) Any police officer, based upon probable cause, may stop and question any minor suspected of violating this chapter's provisions and may take the minor into custody when found



violating any provisions of this ordinance. The officer shall take the minor to the Warren County Jail where the name of the minor's parent, guardian, or person having legal custody of them shall be ascertained.

The parent, guardian, or person having legal custody shall be notified or summoned by the investigating officer to appear at the Warren County Jail to complete the investigation.

The investigating or apprehending officer, if satisfied that a violation has occurred, shall cause a citation for the violation of this ordinance to be issued to said offending parent, guardian or custodian.

(F) Penalty, see §10.99. In addition, any minor violating any provision of this ordinance may be referred to the Warren County Juvenile Probation Department, the Warren County Prosecutor's Office Juvenile Division, and/or to the Warren County Circuit Court, which court has juvenile jurisdiction, for further proceedings regarding the juvenile's curfew violation.

(Ordinance No. 1998-9, passed October 1, 1998; amended by Ordinance No. 2001-4; amended by Ordinance No. 2003-4, passed August 4, 2003; amended by Ordinance 2012-9, passed September 4, 2012; amended by Ordinance No. 2019-0703A, passed July 3, 2019)

## CHAPTER 131: WEAPONS

### Section

#### 131.01 Shooting and Discharging of Guns

### § 131.01 SHOOTING & DISCHARGING OF GUNS

(A) It shall be unlawful for any person, with the exceptions set out below, to shoot, fire or discharge any firearm, gun, air pistol or other mechanical device to shoot or throw shot, bullets, stones or other missiles within the limits of the Town.

(B) It shall be unlawful for any persons, with the exceptions set out below, by any means to explode, set off or discharge any firearm shell, shot or cartridge within the limits of the Town.

(C) This section shall not prohibit any officer of the law from discharging a firearm in the performance of his official duty, nor any citizen from discharging a firearm when lawfully defending his person or property from physical injury.

(Ordinance No. 1993-4)

## CHAPTER 132: SMOKING

### Section

#### 132.01 Smoking Policy

### § 132.01 SMOKING POLICY

(A) Smoking shall be defined, as set out in IC 7.1- 5-12-3, as carrying or holding of a lighted cigarette, cigar, or pipe, or any other lighted tobacco smoking equipment; or inhalation or exhalation of smoke from lighted tobacco smoking equipment.

(B) Smoking shall be prohibited in any town owned, leased or operated buildings and places of employment, including vehicles, and the area within twenty (20) feet of the public entrance to said buildings and places of employment, including but not limited to the Town Hall, Town Marshal's Office, Maintenance Building, Electric Building, Sewer Plant, Animal Shelter, Wells, Water Tower, Fire Stations, and Swimming Pool, including the deck, sidewalk and fenced area around said Swimming Pool. Conspicuous signs shall be posted displaying the message that smoking is prohibited.

(C) Tobacco and nicotine use is prohibited at all of the Town parks. No person shall use any form of tobacco or nicotine including but not limited to e-cigarettes (vaping), smokeless tobacco, tobacco products, at or within such designated area, including but not limited to park property, ball diamonds, pavilions, gaming areas and public pool. Such restrictions are to be in place twenty-four (24) hours a day, seven (7) days per week. Signage shall be posted at the Town parks in accordance with this ordinance.

(D) Penalty, see §10.99. In addition to any fines imposed, law enforcement officers may be contacted to escort the person off the premises if the person refuses to abide by the prohibition against the use of tobacco within such area at the Town parks.

(Ordinance No. 2019-0703A, passed July 3, 2019; amending Ordinance 2012-9, passed September 4, 2012)

## CHAPTER 133: LOITERING

### Section

#### 133.01 Loitering and Unlawful Assembly

### § 133.01 LOITERING AND UNLAWFUL ASSEMBLY

(A) No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding citizens, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, in any public place or public way, and refuse to obey the lawful command of a police officer to move on or provide to such police officer a lawful reason for remaining on such public way, street, highway, place or alley if the alleged loitering by such person would create or cause to be created any of the following:

1. Danger of a breach of the peace;
2. The unreasonable danger of a disturbance to the comfort and repose of any person acting lawfully on or in a public way, street, highway, place or alley reserved for pedestrians;
3. The obstruction or attempted obstruction of the free normal flow of vehicular traffic or the normal passage of pedestrian traffic upon any public way, street, highway, place or alley; and
4. The obstruction, molestation or interference or attempt to obstruct, molest or interfere with any person lawfully on or in a public way, street, highway, place or alley, in a manner that would cause a reasonable person or pedestrian of a public way, street, highway, place or alley to fear for his or her safety.

(B) No person who is a member of a group of three or more persons who are loitering or prowling in a place, at a time or in a manner not usual for law abiding citizens, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, in a public way, street, highway, place or alley, shall refuse the lawful command of a police officer to move or provide to the police officer a lawful reason for remaining in a public way, street, highway, place or alley, whether such group is stationary or in transit, if the alleged loitering would create or cause to be created any of the following:

1. Danger of a breach of the peace;
2. The unreasonable danger of a disturbance to the comfort and repose of any person acting lawfully on or in a public way, street, highway, place or alley reserved for pedestrians;
3. The obstruction or attempted obstruction of the free normal flow of vehicular traffic or the normal passage of pedestrian traffic upon any public way, street, highway, place or alley;
4. The obstruction, molestation or interference or attempt to obstruct, molest or interfere with any person lawfully on or in a public way, street, highway, place or alley, in a manner that would cause a reasonable person or pedestrian of a public way, street, highway, place or alley to fear for his or her safety.

(C) No person shall be convicted under this section if the police officer failed to comply with the procedure outlined herein.

(D) No person shall be convicted under this section if it appears at trial that the explanation given by the person is true and, if believed by the police, would:

1. Have dispelled the fear for human safety;
2. Have dispelled the concern for safety of property;
3. Have dispelled the fear of a breach of the peace; and
4. Have provided a justifiable reason for obstructing vehicular or pedestrian traffic, subject to the discretion of the court.

(E) If a person takes flight upon appearance of a police officer that identifies himself as such, or refuses to identify himself, or attempts to conceal himself, such police officer has probable cause to believe a violation of this section has occurred.

(F) Penalty, see §10.99.

(Ch. 81, 1985 Code; amended by Ordinance 2006-6, passed October 1, 2006)

**TITLE XV: LAND USE**

- 150. BUILDING REGULATIONS**
- 151. FLOOD HAZARD AREAS**

## CHAPTER 150: BUILDING REGULATIONS

### Section

150.01	Zoning
150.02	Building Code, Authorization, Building Commissioner, Regulations
150.03	Fair Housing

### § 150.01 ZONING

The Town Council delegates to the Warren County Area Plan Commission authority to act as official representative on matters of planning and the Warren County Board of Zoning Appeals official representative on matters of zoning. The Town Council hereby agrees to be governed by the Warren County Zoning Ordinance for zoning matters.

### § 150.02 BUILDING CODE; AUTHORIZATION; BUILDING COMMISSIONER; REGULATIONS

The Town is subject to the Warren County Building Code, and has designated and authorized the Warren County Building Commissioner to issue building permits, collect fees, perform inspections, order correction of violations of the Warren County Building Code, and authorize occupancy of buildings and structure, within the corporate limits of the Town.

*Statutory Reference:*

*Authority, see I.C. 36-7-2-9, 36-7-8-7*

### § 150.03 FAIR HOUSING

(A) 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, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

(B) The definitions set forth in this Section shall apply throughout this Ordinance:

1. “Dwelling” means 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 (1) or more families; or 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 (1) or more families (I.C. 22-9.5-2-8).

2. “Family” includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (8) of this Section.

3. “Person” (I.C. 22-9.5-2-11), includes one (1) 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.

4. “To Rent” (I.C. 22-9.5-2-13), includes to lease, to sublease, to let and

otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.

5. “Discriminatory Housing Practice” means an act that is unlawful under Sections 4,5,6,7 or 8 of this Ordinance or I.C. 22-9.5-5.

6. “Handicap” means, with respect to a person:

a. a physical or mental impairment which substantially limits one or more of such person’s major life activities;

b. a record of having such an impairment; or

c. being regarded as having such an impairment;

d. an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990;

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

f. The term “handicap” shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code (I.C. 22-9.5-2-10(b)); nor does the term “handicap” include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c)).

7. “Aggrieved Person” includes any person who (I.C. 22-9.5-2-2):

a. claims to have been injured by discriminatory housing practice; or

b. believes that such person will be injured by a discriminatory housing practice that is about to occur.

8. “Familial Status”

a. Means one or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person;

b. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years;

9. “Commission” (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. Seq.

10. “Complainant” (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

11. “Williamsport Town Council” means the Town Council for the Town of Williamsport, Indiana, or any person designated by them to act with their authority pursuant to this Ordinance.

(C) Subject to the provisions of subsection (B) of this Section, Section 9 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 4 of this Ordinance shall apply to:

1. All dwellings except as exempted by subsection (2) and I.C. 22-9.5-3.

2. Other than the provisions of subsection (3) of this Section, nothing in Section 4 shall apply to:

a. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor



have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:

i. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person; and

ii. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section d(iii) of this Section, but noting in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title.

b. 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 such living quarters as his residence.

3. For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

a. he has, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

b. he has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transaction involving the sale or rental of any dwelling or any interest therein; or

c. he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

(D) As made applicable by Section C and except as exempted by Section C(2), it shall be unlawful:

1. 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, handicap, familial status or national origin.

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 of facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.

3. 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, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.

4. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

5. For profit, to induce or attempt to induct any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person(s) of a particular race, color, religion, sex, handicap, familial status or national origin.

6. With regards to sale or rental properties, the following shall be unlawful:
  - a. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
    - i. that buyer or renter;
    - ii. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
    - iii. any person associated with that person.
  - 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 with such dwelling, because of a handicap of:
    - i. that person; or
    - ii. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
    - iii. any person associated with that person.
  - c. For purposes of this subsection, discrimination includes:
    - i. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such 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 modifications, reasonable wear and tear excepted;
    - ii. a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
    - iii. 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, 1998, a failure to design and construct those dwellings in such a manner that:
      1. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
      2. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
      3. all premises within such 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 bathrooms such that an individual in a wheelchair can maneuver about the space;
        - d. compliance with the appropriate requirement Americans with Disabilities Act of 1990 and

- of the American National Standard for Buildings and Facilities providing accessibility an usability for physically handicapped people suffices to satisfy the requirements of paragraph (3) (C)(iii);
- e. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health of safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

(E) Discrimination in Residential Real Estate-Related Transactions

1. 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 such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

2. As used in this section, the term “residential real estate-related transaction” means any of the following:

- a. The making/purchasing of loans or providing financial assistance:
  - i. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
  - ii. secured by residential real estate.
- b. The selling, brokering, or appraising of residential real property.

3. Nothing in this Section 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, handicap, or familial status.

(F) 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 in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

(G) It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections C, D, E or F of this Section.

(H) Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

1. Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he 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

2. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

a. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any activities, services, organizations or facilities; or

b. affording another person or class of persons opportunity or protection so to participate.

3. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(I) Exemptions

1. Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (2) and (3) of this Section.

2. Nothing in this Section 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 such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Ordinance 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 such lodging to its members or from giving preference to its members.

3. Nothing in this Section regarding familial status shall apply with respect to housing for older person. 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 person (as defined in the state or federal program); or

b. intended for, and solely occupied by, person 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.

(J) Administrative Enforcement

1. The authority and responsibility for properly administering this Section and referral of complaints hereunder to the Commissioner as set forth in subsection (2) hereof shall be vested in the Town Council.

2. Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Section, herein elects to refer all formal complaints of violation of the articles of this Section by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Town Council, shall refer all said complaints to the Commission as provided for under subsection (A) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.

3. 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 Section and shall cooperate with the Town Council and the Commission to further such purposes.

4. The Town Council or their designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

(K) If any provision of this Section or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Section and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Ordinance No. 2020-0702B, passed July 2, 2020)

## **CHAPTER 151: FLOOD HAZARD AREAS**

### Section

151.01 Flood Hazard Areas

### **§ 151.01 FLOOD HAZARD AREAS**

The Town is subject to the Warren County Flood Hazard Areas Ordinance. The Town Council hereby agrees to be bound by the terms of the Warren County Flood Hazards Ordinance.