

**WEST LEBANON, INDIANA
CODE OF ORDINANCES
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**10. GENERAL CODE CONSTRUCTION;
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**CHAPTER 10: GENERAL CODE CONSTRUCTION;
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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 West Lebanon, Indiana," for which designation "Code of Ordinances," "Code," or "West Lebanon Town Code" may be substituted.

(1995 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 Board of Trustees 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 "Board of Trustees" are used, such words shall be construed to mean the governing body of the Town of West Lebanon, 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 "West Lebanon, 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 where by law an affirmation may be substituted for an oath.

(L) Ordinances and resolutions shall mean the ordinances and resolutions of the Town of West Lebanon 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.

§ 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.

(1995 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.

(1995 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.

(1995 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.

(1995 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.

(1995 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.

(1995 Code, § 1-1-8)

**§ 10.10 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, aiding, abetting, suffering, or concealing the fact of such act or omission.

(1995 Code, § 1-1-10)

§ 10.11 CODE SEVERABILITY

It is declared to be the intention of the Board of Trustees 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 Board of Trustees without and irrespective of any unconstitutional or otherwise invalid Section, Subsection, paragraph, sentence, clause, phrase or word being incorporated into this Code.

(1995 Code, § 1-1-11)

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

§§ 10.12 – 10.98 Reserved

§ 10.99 PENALTY

(A) For ordinance violations described in this section, 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 per day of violation. 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 if appropriate to an ordinance violation described in this section, the civil penalty described in this section, or as otherwise designated in other sections of this Code, will be assessed upon judgment of an ordinance violation by the court.

(B) 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.

(C) 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.

(D) *Specific Penalties*

The following schedule of ordinance and code provisions 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 as follows:

Penalties for Violations Which May be Admitted Before the Violations Clerk:

Violations of § 50.06 Cross Connection Control	\$100
Violations of § 53.01 Solid Waste Removal	\$50
Violations of § 70.01 Parking Rules	\$75
Violations of § 72.01 Weight Restrictions	\$250
Violations of § 74.01 Off-Road Vehicles	\$50
Violations of § 74.02 Golf Carts	\$50
Violations of Chapter 42 relating to Animals	\$50
Violations of § 91.02 Controlled Burning	\$100
Violations of § 91.04 Junked Cars	\$250
Violations of § 92.04 Litter Control	\$50
Violations of § 93.01 Noise Pollution	\$50
Violations of § 96.03 Alleyways	\$250
Violations of § 112.01 Itinerant Merchants	\$100
Violations of § 130.01 Curfew	\$50
Violations of § 131.01 Weapons	\$200

(1985 Code, amended by Ordinance No. 83, passed February 13, 1995; Ordinance No. 2011-1, passed September 12, 2011; repealed by Ordinance No. 2018-1008, passed October 8, 2018)

TITLE III: ADMINISTRATION

- 30. BOARD OF TRUSTEES**
- 31. TOWN BOUNDARY**
- 32. TOWN EMPLOYEES**
- 33. FIRE DEPARTMENT**
- 34. PARK BOARD**
- 35. TOWN ELECTIONS**
- 36. LAW ENFORCEMENT**
- 37. CLERK-TREASURER**
- 38. FINANCIAL**

CHAPTER 30: BOARD OF TRUSTEES

Section

30.01 Board of Trustees

§ 30.01 BOARD OF TRUSTEES

(A) The three-member Board of Trustees of West Lebanon, Indiana, under IC 36-5-1-1 et seq. is the town legislative body.

(B) Regular meetings of the legislative body shall be held on the second Monday of each month at 7:00 pm in the regular meeting place; provided that when any such meeting falls on a legal holiday, it shall be held at the same hour and place on the next day that is not a legal holiday.

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

(1995 Code, §§ 1-2-1, 1-2-2)

CHAPTER 31: TOWN BOUNDARY

Section

31.01 Town Boundary

§ 31.01 TOWN BOUNDARY

The current Town Boundary is identified on the GIS website as may be amended from time to time.

(1995 Code, § 1-3-1; amended by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 32: TOWN EMPLOYEES

Section

- 32.01 Nepotism
- 32.02 Mileage Paid to Town Employees

§ 32.01 NEPOTISM

(A) A single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body and therefore without such authority by the majority he/she will not be in the direct line of supervision. See, IC 36-4-6-11, IC 36-5 -2-9.4.

(B) A single member of governing body with authority over employees in the Town cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority, the single member will not be in the direct line of supervision.

(C) All elected and appointed officials and employees of the Town are hereby directed to cooperate fully in the implementation of the policies created herein and in demonstrating compliance with these same policies.

(D) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Nepotism Policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the Town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the Nepotism Policy may be subject to action allowed by law.

(E) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Contracting with Unit by a Relative Policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the Town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the Nepotism Policy or the Contracting with Unit by a Relative Policy may be subject to action allowed by law.

(Ordinance No. 2012-2, passed June 11, 2012)

§ 32.02 MILEAGE PAID TO TOWN EMPLOYEES

Town employees who use their personal vehicles while conducting Town business shall

be paid a mileage fee of fifty-eight (58) cents per mile traveled. Said employees must submit claims indicating the dates, destinations and mileage which are to be paid in a manner consistent with IRS regulations. This Section shall be effective retroactive to January 1, 2019. This mileage reimbursement rate shall automatically increase or decrease to the amount authorized by IRS regulations in every subsequent year hereafter.

(Ordinance No. 2019-0513, passed May 13, 2019)

CHAPTER 33: FIRE DEPARTMENT

Section

- 33.01 Fire Department
- 33.02 Repealed

§ 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 in the manner provided by law.

(B) It shall be the function and duty of the fire department and every member thereof to extinguish accidental or destructive fires and to prevent the occurrence or spread of such fires.

(C) The Board of Trustees shall provide an appropriation each year to the County for the provision of fire-fighting services.

(1995 Code, § 1-5, amended by Ordinance No. 2020-0810, passed August 10, 2020)

§ 33.02 MUTUAL AID

Repealed.

(1995 Code, § 1-6; repealed by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 34: PARK BOARD

Section

- 34.01 Repealed
- 34.02 Repealed

§ 34.01 PARK BOARD

Repealed.

(1995 Code, § 1-7; repealed by Ordinance No. 2020-0810, passed August 10, 2020)

§ 34.02 DEPARTMENT OF PARKS AND RECREATION

Repealed.

(Ordinance No. 1980-4, passed December 8, 1980; repealed by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 35: TOWN ELECTIONS

Section

35.01 Town Elections

§ 35.01 TOWN ELECTIONS

(A) At the time of election of the Board of Trustees, there shall be elected for the town, for all full terms as provided by law, a clerk-treasurer; and three members of the Board of Trustees.

(B) 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.

(C) The members of the Board of Trustees shall be elected at large by the voters of the whole town.

(D) Major political party candidates for town office shall be nominated by primary election instead of by town convention as provided in I.C. 3-8-5-2. Candidates for town office that are not affiliated with a major political party may be nominated by any other method allowed by Indiana law, including as petition candidates as provided in IC 3-8-6, minor party candidates as provided in IC 3-8-5-17, or write-in candidates as provided by IC 3-8-2-2.5.

(E) IC 3-10-7-2.9 permits the Town, as a town with a population of less than 3,500, to change the time of town elections to a year in which general elections are conducted and IC 3-5-3-11 provides that the county shall not assess the Town for the cost of a town election that occurs in a general election year;

(1995 Code, § 1-8; amended by Ordinance No. 2014-02, passed February 10, 2014)

CHAPTER 36: LAW ENFORCEMENT

Section

- 36.01 Town Marshal
- 36.02 Expenditure of Court Fees
- 36.03 Reserve Police Force

§ 36.01 TOWN MARSHAL

The Town Marshal Department is fully empowered to enforce all federal and state laws and local ordinances.

(Ordinance No. 2002-02, passed April 8, 2002)

§ 36.02 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 Board of Trustees.

(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 department, or the expense of programs put on or sponsored by the department.

(Ordinance No. 2000-2, passed April 3, 2000; amended by Ordinance No. 2003-2, passed September 8, 2003)

§ 36.03 RESERVE POLICE FORCE

The Reserve police force, which shall be auxiliary to the Town Marshal's Department shall consist of not more than three (3) officers and have full powers to enforce all federal and state laws and local ordinances.

(Ordinance No. 2003-01, passed February 10, 2003)

CHAPTER 37: CLERK-TREASURER

Section

- 37.01 Ordinance Violations
- 37.02 Authorization to Pay Certain Claims
- 37.03 Debit and Credit Cards

§ 37.01 ORDINANCE VIOLATIONS CLERK

(A) The Clerk-Treasurer 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 Board of Trustees, but not more than two hundred fifty dollars (\$250), in ordinance violation cases, subject to the schedule prescribed under IC 33-36-3 by the Board of Trustees.

(Ordinance No. 2018-1008, passed October 8, 2018)

§ 37.02 AUTHORIZATION TO PAY CERTAIN CLAIMS

(A) The Board of Trustees hereby authorizes the Clerk-Treasurer to make claim payments in advance of a Board of Trustees allowance for the following types of expenses:

1. Property or services purchased or leased from:
 - a. the United States government; or
 - b. an agency or a political subdivision of the United States government.
2. License fees or permit fees.
3. Insurance premiums.
4. Utility payments or utility connection charges.
5. Federal grant programs if:
 - a. advance funding is not prohibited; and
 - b. the contracting party provides sufficient security for the amount advanced.
6. Grants of state funds authorized by statute.
7. Maintenance agreements or service agreements.
8. Lease agreements or rental agreements.
9. Principal and interest payments on bonds.

10. Payroll.
11. State, federal, or county taxes.
12. Expenses that must be paid because of emergency circumstances.
13. Expenses described in an ordinance.

(B) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the Clerk-Treasurer and may be paid in any method that the Clerk-Treasurer deems appropriate.

(C) The Board of Trustees or the board having jurisdiction over the allowance of the claim shall review and allow the claim at the Board of Trustees' or board's next regular or special meeting following the preapproved payment of the expense.

(1995 Code, Ch. 21; Ordinance No. 2019-0408, passed April 8, 2019)

CHAPTER 38: FINANCIAL

Section

- 38.01 Purchasing Rules
- 38.02 Credit Card Policy
- 38.03 Promotion of Town Business
- 38.04 Bad Debt Policy
- 38.05 LOIT Special Distribution Fund

§ 38.01 PURCHASING RULES

(A) The Purchasing Agents shall be the Clerk-Treasurer and the department heads of the Town. The Purchasing Agents shall:

1. Assume the duties, powers and responsibilities assigned to a Purchasing Agent in IC 5-22 and establish a small purchasing policy for purchases not governed by IC 5-22.
2. Act as the sole agent in obtaining materials, supplies, equipment, repairs, maintenance or other contractual services for all Town departments and divisions, municipally-operated utilities, 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.
3. Establish such purchasing and contractual procedures as may best be suited to obtain the greatest economic value to the Town.
4. Prepare specifications and notice to bidders and see that the required notices are published, where bidding and publication of notices are required by law.
5. 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.
6. Act as the agent of the Town to sell or exchange any personal property ordered to be sold by the Board of Trustees in accordance with procedures prescribed by law.

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

(C) 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.

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

1. the supplies are not manufactured in the United States in reasonably available quantities;
2. the price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
3. the quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
4. the purchase of supplies manufactured in the United States is not in the public interest.

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

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

(F) 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.

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):

1. 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.
2. The Purchasing Agent shall mail an invitation to quote to such persons at least seven (7) days before the time fixed for receiving quotes.
3. 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.
4. The Purchasing Agent may reject all quotes.
5. 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) The Purchasing Agent may make purchases for and on behalf of the Town in the amount of Five Hundred Dollars (\$500.00) or more only by submitting the requested purchase to and receiving the approval of the Board of Trustees as Purchasing Agency in advance.

The Purchasing Agent may make purchases for and on behalf of the Town if under Five Hundred Dollars (\$500.00), or in the event of an emergency, without prior approval of the Board of Trustees, so long as receipts or invoices for the purchase are presented to the Board of Trustees for approval and ratification by the Board at its next regularly-scheduled meeting.

(Ordinance No. 1998-3, passed August 10, 1998; Ordinance No. 2018-2, passed April 9, 2018; amended by Ordinance No. 2019-0311A, passed March 11, 2019)

§ 38.02 CREDIT CARD POLICY

(A) The Clerk-Treasurer shall implement and maintain a system for the distribution, authorization and control of credit and debit cards issued to or for the benefit of the Town and used by Town officials and employees.

(B) Credit/Debit 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/Debit Card" shall include either the credit or debit card or the credit or debit card number).

(C) The Clerk-Treasurer shall develop and implement guidelines and accounting controls subject to the approval of the 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.

(D) The Clerk-Treasurer shall set credit limits on each credit card issued; provided, that in no event shall such credit limit exceed \$750.00 for any individual credit card nor shall the aggregate credit limits for all credit cards issued to or authorized for use to exceed \$1500.00.

(E) The Clerk-Treasurer shall establish and implement a written procedure or policy for the payment of all credit card bills subject to the approval of the 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.

(F) 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 or debit card;
4. Obtaining or attempting to obtain a new line of credit, using the credit card issued to the Authorized User;
5. Use of a credit or debit 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 or debit card, otherwise consistent with this Ordinance, 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 or debit 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.

(G) An Authorized User shall obtain and retain itemized receipts for each and every purchase made using a Town credit or debit 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 or debit 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 Board of Trustees.

(H) Each Authorized User shall be responsible for contacting the issuing financial institution and the Clerk-Treasurer, immediately upon discovering that a credit or debit 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.

(I) No Authorized User shall knowingly use or attempt to use a credit or debit card beyond the scope of the authority permitted or the policies established by the Clerk-Treasurer.

(Ordinance No. 2013-1, passed March 11, 2013; amended by Ordinance No. 2020-0210D, passed February 10, 2020)

§ 38.03 PROMOTION OF TOWN BUSINESS

(A) The Board of Trustees 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 Board of Trustees 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)

§ 38.04 BAD DEBT POLICY

(A) In the event that the Town's accounts receivable are not paid within the time frame determined by the Town, its agent or designee; the same shall be deemed delinquent.

(B) As used herein, the term “bad debt” shall have the following definition: “A delinquent account receivable which has not been paid for at least one hundred and twenty (120) days, for which the Town, agent or designee of the Town, has reasonably and diligently attempted collection, but to which such collection remains unsuccessful.”

(C) The Clerk-Treasurer on an annual basis shall submit to the Board of Trustees, a list of the uncollectible billings from the municipal utilities. The Board of Trustees, by majority vote, may waive these uncollectible billings.

(D) The Town or its agent or designee, shall generate a formal report setting forth any and all efforts made to collect bad debts, and that such efforts have been unsuccessful.

(E) The Town or its agent or designee, in said formal report shall state the reasons that the Town, its agent or designee believes it is economically not feasible to pursue further collection measures on the accounts receivable listed as the aforementioned “bad debts.”

(F) The annual schedule described in paragraph C of this section and the formal report described in paragraphs D and E, listing delinquent accounts, may be declared uncollectible, and the Town by resolution may authorize the Town or its agent or designee, to cease further collection procedures after deeming documented accounts as “bad debts,” and may cause any and all “bad debts” to be written off.

(Ordinance No. 2019-0708, passed July 8, 2019)

§ 38.05 LOIT SPECIAL DISTRIBUTION FUND

(A) There is hereby established for the Town Fund 257, titled the “LOIT Special Distribution Fund” (the “Fund”).

(B) The Clerk-Treasurer is directed to deposit into such fund all restricted portion of the distribution, being at least 75% of the special distribution received from Warren County.

(C) The Clerk-Treasurer is directed to deposit the unrestricted portion of the distribution in the General Fund, a properly created Home Rule Fund, or into the Rainy Day Fund, as determined by the Board of Trustees.

(D) The restricted portion of the distribution shall be used only for infrastructure as found under Indiana Code 6-2.6-9-17(h)(1)(A), as set forth in Senate Enrolled Act 67. The Board of Trustees shall approve the expenditure of all such restricted portion.

(Ordinance No. 2016-3, passed July 11, 2016)

TITLE V: SEWER AND WATER

- 50. SEWER**
- 51. WATER**
- 52. STORM WATER**
- 53. RESIDENTIAL SOLID WASTE REMOVAL**

CHAPTER 50: WATER

Section

50.01	Tap Fees
50.02	Installation of New Water and Sewer Lines
50.03	Consumer Deposits
50.04	Sprinklers
50.05	Meter and Antenna Lid Replacement
50.06	Cross Connection Control
50.07	Water Rates

§ 50.01 TAP FEES

(A) There shall be a fee of Seven Hundred Dollars (\$700.00) for each new tap into the water lines and for each tap into the sewer lines of the Town.

(B) The owner of the real estate shall be responsible for the payment of the fee set forth herein.

(C) The owner of the real estate shall provide, at his/her expense, any required septic tank(s) and all connections from any structure to the septic tank and to within three (3) feet of the water meter with such materials that meet the minimum standards required by the Town, as established from time to time.

(Ordinance No. 2008-4, passed May 12, 2008)

§ 50.02 INSTALLATION OF NEW WATER AND SEWER LINES

(A) In the case of installation of a new or replacement water or sewer line from the water meter or septic tank of any residential or business structure within the Town, the owner of the property, or his contractor on the owner's behalf, shall consult with the superintendent of the West Lebanon utilities before such installation begins.

(B) The owner of the property must use in the installation of such water or sewer line the same specifications of pipes and fittings, or better, which the Town utility is using at the time of such installation from the meter or tank to the Town's lines.

(C) At the present time, the minimum specifications allowed for the owner's water and sewer lines are as follows:

- Water - residential service flarable
- SDR 9 - 3/4 inch 200 PSI
- Black service tubing

Sewer - residential service green or blue green
SDR 35 - 4 inch PVC
Type PSM
ASTM -D3034

(D) Failure to consult with the Town utility superintendent before installation of any new or replacement water line from the water meter to the residence or business or of any new or replacement sewer line from the septic tank to the residence or business or failure to install a water or sewer line or fittings having specifications approved by the Town utility superintendent shall result in the Town justifiably refusing to provide water or to hook up the sewer to said property.

(E) If the unapproved or improper installation of a water or sewer line is made by the property owner, the Town utility clerk shall give the owner notice to correctly install the water or sewer line to the residence or business within thirty (30) days of receipt of the notice and, failure to do so, shall result in the Town utility terminating such utility service to the property immediately upon expiration of the thirty (30) days.

(Ordinance No. 2000-01, passed May 8, 2001)

§ 50.03 CONSUMER DEPOSITS

(A) A Consumer Deposit shall be collected from each new utility customer and be held without interest until service to said customer is terminated.

(B) A Consumer Water Deposit of two hundred fifty dollars (\$250.00) shall be collected from each new utility customer, without interest, until service to said customer is terminated. The Consumer Deposit shall be refundable upon termination of service if there are no outstanding charges or applied to any outstanding charges and the balance remaining afterward shall be refundable.

(C) The Consumer Deposit for a large usage business shall be an amount based on two months estimated usage, refundable upon termination of service if there are no outstanding charges.

(D) In order to switch service to another person, the bill must be current.

(E) Utility bills will be mailed on the first day of the month for service rendered during the exact dates of service depending on the date the meters are read.

(F) The actual amount of charges for water and sewer plus taxes constitutes the "net" and the net is due and payable before the sixteenth (16th) day of the month the bill is sent out.

(G) Bills not paid by the sixteenth (16th) of the month are assessed a penalty as follows: on water, ten percent (10%) of the first three dollars (\$3.00) and three percent (3%) of the rest of the bill, and on sewer, ten percent (10%) of the bill. The net plus this penalty

constitutes the "gross", the gross is due and payable by the sixteenth (16th) day of the month the bill is sent out and afterwards until paid.

(H) Disconnect notices will be sent after the sixteenth (16th) day of each month to all customers who have not paid the amount shown on the bill sent out that month, and the disconnect notice will show the current amount owed and will state that if the amount owed is not paid before the twenty-sixth (26th) day of that month, in full, service to the customer will be shut off.

(I) There will be no extensions or postponements of disconnection beyond the twenty-sixth (26th) day of the month during which the bill was sent, and no partial payments will prevent service from being shut off.

(J) All charges owed by the customer, including those which occur up until service is actually shut off, will be deducted from the Consumer Water Deposit, if any, and the balance, if any, of any said Consumer Water Deposit will be sent, within forty-five (45) days after the date of final service, to a customer who moves or who has service disconnected to the address on the records of the Town.

(K) After a disconnection for nonpayment of charges, a customer must pay the following before service will be provided;

1. The balance of all charges owed (past due amount and current charges).
2. A non-refundable reconnection fee in the amount of twenty-five dollars (\$25.00), and
3. A Consumer Water Deposit as set forth above.

(L) Customers with swimming pools which are filled directly by the utility customer shall pay water charges on the amount of water used to fill the pool.

(Ordinance No. 1996-11, passed August 26, 1996; Ordinance No. 1997-1, passed March 10, 1997; Ordinance No. 2005-1, passed June 13, 2005; Ordinance No. 2017-0508 , passed May 8, 2017; amended by Ordinance No. 2020-0210A, passed February 10, 2020)

§ 50.04 SPRINKLERS

(A) A residential water customer may request an adjustment in the resident's utility bill on the wastewater side of the bill for various reasons when the water is not in fact going directly through the sewer system.

(B) Any person making such request must be the person primarily responsible for the water bill and may not be operating a business on the property served by the residential water meter unless special arrangements have been made with the Town and such arrangements have been approved by the Board of Trustees.

(C) Any resident making such request will, in any event, be responsible for the minimum monthly charges.

(D) The charges for the resident shall be based on the water usage by the same resident during the months of the preceding January, February and March, and the resident shall not have a change in the number of persons or similar factors between March and the end of the period for adjustment that would impact the water usage.

(E) Authorization for adjustments is subject to the approval of the Board of Trustees.

(Ordinance No. 2009-2; Ordinance No. 2010-1, passed April 12, 2010)

§ 50.05 METER AND ANTENNA LID REPLACEMENT COSTS

In the event that the property owner, or other responsible party, shall damage an installed water meter, the property owner or the responsible party shall pay for the cost of the replacement water meter to the Town. In the event that the property owner, or other responsible party, shall damage an installed antenna lid, the property owner or the responsible party shall pay Fifty Dollars (\$50.00) to the Town for labor and equipment to replace a damaged antenna lid.

(Ordinance No. 2018-0910, passed September 10, 2018)

§ 50.06 CROSS-CONNECTION CONTROL SYSTEM

(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) The owner of a building or premises, whether an individual or an entity, or the general agent thereof, where a violation of any provision or regulation of this Chapter exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, agent, lessee, tenant or occupant of any part of the building or premises in which such violation has been committed or shall exist, or the agent of the owner, architect, builder, contractor, subcontractor, employee or any other person who commits, takes part in or who assists in any such violation or who maintains any building or improvement or use of any premises in violation of this Chapter shall be subject to the fines for any such violation as set forth herein, and for taking the steps necessary to be in compliance.

(C) No person described above shall establish or permit to be established or maintain or permit to be maintained any cross-connection.

(D) 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 the Town, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility Department and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10.

(E) It shall be the duty of the Utility Superintendent ("Superintendent") 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 Superintendent.

(F) Upon presentation of credentials, the Superintendent or his/her representative 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 the Town for cross-connections. On request, the owner, lessee, or occupant of any property so 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.

(G) The Utility Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section 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 disconnected 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 Section.

(H) If it is deemed by the Utility Department that a cross-connection or any emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk-Treasurer and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within ten (10) days of such emergency discontinuance.

(I) All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced pressure principal backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

(J) The reduced pressure principal backflow preventers shall not be installed below ground level.

(K) This Section does not supersede the Indiana Plumbing Code, the IDEM Rule 327 IAC 8-10 or any Town plumbing ordinance but is supplementary to them.

(L) If, in the judgment of the Superintendent, an approved backflow prevention device is necessary for the safety of the public water system, the Superintendent will give notice

to the water consumer to install such an approved device immediately. The water consumer shall, at his/her own expenses, install such an approved device at a location and in a manner approved by the Superintendent and shall have inspections and tests made of such approved devices as required by the Superintendent of Water and in accordance with the IDEM Rule 327 IAC 8-10.

(M) Penalty, see § 10.99.

(Ordinance No. 2017-3, passed June 12, 2017)

§ 50.07 WATER RATES

(A) There shall be and there are hereby established for the use of and the service rendered by the Water Utility system of the Town, the following rates and charges, based on the use of water supplied by the Water Utility System:

1. Metered Rates per month: SEE ATTACHED SCHEDULE
2. Minimum Charges per month: SEE ATTACHED SCHEDULE

(B) Public Fire Protection: Per hydrant per year \$545.94

(C) Water furnished to temporary users such as contractors, circuses, etc., shall be charged on the basis of the metered gallon rates hereinbefore set forth as estimated by the Water Utility Superintendent.

(D) All bills for water services not paid within fifteen (15) days from the due date thereof, as stated in such bills, shall be subject to the collection or deferred payment charge of 10% on the first \$3.00 and 3% on the excess over \$3.00.

(Ordinance No. 1996-9, passed May 13, 1996; Ordinance No. 2002-03, passed August 12, 2002; Ordinance No. 2011-01, passed January 10, 2011)

CHAPTER 51: SEWERS

Section

51.01	Connection to the Sewer
51.02	Discharge of Harmful Substances into Sewer
51.03	Wastewater Rates

§ 51.01 CONNECTION TO THE SEWER

(A) Unless the context specifically indicates otherwise, the meaning of terms used in this Section shall be as follows:

1. "Council" shall mean the Town Council of the Town of West Lebanon Indiana, or any duly authorized officials acting in its behalf.
2. "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
3. "Town" shall mean the Town of West Lebanon, Indiana, acting by and through the Town Council.
4. "Debt Service Costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
5. "Excessive Strength Surcharges" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage."
6. "Industrial wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
7. "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
8. "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 200 mg/l

Suspended Solids not more than 160 mg/l

NH3 not more than 40 mg/l

9. As defined by origin wastewater segregated from domestic and/or sanitary conveniences wastes from industrial processes.
10. "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
11. "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges, other than User Charges, debt service charges and

excessive strength surcharges.

12. "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

13. "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewage works equipment to maintain the capacity and performance for which such works were designed and constructed.

14. "S.S." (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.

15. "Ammonia" (NH₃) shall have the same meaning as defined in the Use Ordinance.

16. "Shall" is mandatory; "May" is permissive.

17. "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.

18. "Sewer Use Ordinance shall mean a separate and companion enactment to this Section, which regulates the connection to and use of public and" private sewers.

19. "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Indiana Code.

20. "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional and governmental in the User Charge System).

a. Residential User- shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

b. Commercial User- shall mean any establishment involved in a commercial enterprise, business or service which based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

c. Institutional Use - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

d. Governmental User - Shall mean any Federal, State, or local governmental user of the wastewater treatment works.

e. Industrial User- shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

(B) Every person whose premises are served by the Town sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.

The various classes of users of the treatment works for the purposes of this Section, shall

be as follows:

Residential
Commercial
Governmental
Institutional
Industrial

(C) For the use of and the service rendered by sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the Town.

Such rates and charges include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge based on the size of the water meter installed, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, water meters shall be read monthly and the users shall be billed each month (or period equaling a month).

For residential users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined as an average of metered single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month).

The Town shall not allow any non-residential users to be unmetered.

For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but not less than \$25 per sampling event. This charge will be reviewed and revised on the same basis as all other rates and charges in this Section.

(D) The quantity of water discharged into the sanitary sewerage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section, the Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sanitary sewerage system.

1. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the water utility-serving the Town, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this Section, the owner or other interested party shall at his/her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement

acceptable to the Town for the determination of sewage discharge.

2. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his/her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

3. In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels or real estate or buildings served through the single water meter.

4. In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his/her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

5. Where a metered water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the user charge as may be equitable.

(E) In order that the rates and charges may reflect the costs of providing service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the Town may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

1. Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid, nitrogen in excess of 40 milligrams per liter of fluid or suspended solids in excess of 160 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

2. There shall be an additional charge of 32 cents per pound of suspended solids for suspended solids received in excess of 160 milligrams per liter of fluid.

3. There shall be an additional charge of 26 cents per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.

4. There shall be an additional charge of 52 cents per pound of ammonia for NH₃ received in excess of 40 milligrams per liter of fluid.

5. The determination of Suspended Solids, five-day Biochemical Oxygen Demand and Ammonia Nitrogen contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants," Regulation CFR Part 136, published in the Federal Register on October 16, 1973.

(F) Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

1. The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for that user for the next year in conjunction with a regular bill.

2. The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

3. As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten per cent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill.

(G) In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the Town shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which this Section goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluent from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

Thereafter on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a similar study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) maintaining proportionality among the user classes of the rates and charges for sewerage services.

These studies shall be conducted by officers or employees of the Town, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstances. The Town shall upon completion of said study revise and adjust the rates and charges as necessary in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

(H) The Town shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewerage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewerage treatment works, and for the relation, collection, rebating and refunding of such rates and charges.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of said Town, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works.

(I) The invalidity of any section, clause, sentence, or provision of this Section shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part on parts.

(J) The Board of Trustees is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs.

(K) The rules and regulations promulgated by the Town, after approved by the Board shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the Superintendent of the user charge to the Board and that any decision concerning user charges of the Board may be appealed to the Warren Circuit Court under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

(L) The Board of Trustees shall not grant free service or use of the sewage treatment system to any person, group or entity. It is not necessary for an area or parcel of real estate to be annexed to the Town to receive sewage treatment.

(M) The owner of any lot, parcel of real estate or building connecting to the sewage works shall, prior to being permitted to make a connection, pay a connection charge in the amount of \$500 for each connection. Provided, however, no connection charge will be required of any customer connecting to a local or lateral sewer within 90 days of the date on which said sewer was available for connection. Connection charges will be imposed on any connection made after 90 days of availability for connection and on all connections made to future extensions of the system based on the actual cost of connection but not less than \$500 per connection.

(Ordinance No. 1, passed July 23, 1990)

§ 51.02 DISCHARGE OF HARMFUL SUBSTANCES INTO SEWER

(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 gallon 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 ordinance, 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/her 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 or 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.

(1995 Code, Ch. 105)

§ 51.03 WASTEWATER RATES

(A) That there shall be and there are hereby established for the use of and the service rendered by the Sewer Utility system of the Town, the following rates and charges, based on the use of water supplied by the Sewer Utility System:

1. Metered Rates per month: SEE ATTACHED SCHEDULE
2. Minimum Charges per month: SEE ATTACHED SCHEDULE

(B) The Town shall not allow any non-residential users to be unmetered.

(C) All ordinances and parts of ordinances in conflict herewith are hereby repealed.

(D) This chapter shall remain in full force and effect from and after its passage, provide that the schedules of rates and charges herein set forth shall become effective on the dates as herein set forth.

(Ordinance No. 1996-9, passed May 13, 1996; Ordinance No. 2002-04, passed August 12, 2002; Ordinance No. 2011-02, passed January 10, 2011)

CHAPTER 52: STORM WATER

Section

52.01	Special Taxing District
52.02	Monthly Fee

§ 52.01 SPECIAL TAXING DISTRICT

(A) Definitions:

1. "Special Taxing District" for the purposes of this Chapter, shall mean all properties located within corporate boundary of the Town as defined by Indiana Code § 8-1.5-5-5, to be utilized for funding Storm Water Management for the Town.

2. "Storm Water Management" for the purposes of this Chapter, as defined by Indiana Code § 8-1.5-5 et seq., shall mean the installation, maintenance and operation of storm water collection and disposal; which includes, but is not limited to, the repair and replacement storm and drainage tiles and pursue other endeavors related to the elimination of storm water from streets and properties.

3. "Storm Water Management Board" for the purposes of this Chapter, as defined by Indiana Code § 8-1.5-5 et seq., shall mean a board established by the Board of Trustees to be responsible for Storm Water Management.

4. "Storm Water Fund" for the purposes of this Chapter, as defined by Indiana Code § 8-1.5-5 et seq., shall mean an account established for the Storm Water Management, and said fund to be directed by the Storm Water Management Board.

(B) The Board of Trustees establishes a Special Taxing District in accordance with IC § 8-1.5-5-5 for the purposes of establishing and creating revenue for a Storm Water Fund. In accordance with said statute, the Special Taxing District is the corporate limits of the Town.

(C) The Board of Trustees establishes a Storm Water Management Board, in accordance with IC § 8-1.5-5-4 et seq. Said Board shall initially consist of members of the Board of Trustees and said members shall be in accordance with said statute. The powers of the Board shall be in accordance with IC § 8-1.5-5-6. The three (3) members shall have staggered terms, consisting of 2 years, 3 years, and 4 years as initial terms, and thereafter each member shall serve a term of 2 years, concluding on January 31. Board members shall be appointed by the Board of Trustees President in January of each year thereafter, in which a term will lapse. The first year of the three (3) initial Board members' term, shall be shortened to conclude on January 31 following their appointment, so that all terms shall thereafter expire on January 31. In the event of a mid-term vacancy, due to death, resignation, removal or otherwise of a Board member, the Town Board President shall appoint an individual to fill the vacancy and complete the prior Board member's remaining term. In the event the Town Board President shall fail to appoint a new member to the Board, when a term is completed, the current member shall continue to serve into the new term, until a replacement is appointed, or the Board member is reappointed.

(D) The Town Board establishes a Storm Water Fund, in accordance with IC § 8-1.5-5-7, 8-1.5-5-8, 8-1.5-5-9, 8-1.5-5-10 and 8-1.5-5-11. Said funds shall be established and maintained in accordance with IC § 8-1.5-5 et seq.

(E) The Town Board establishes a fee or rate, in accordance with IC § 8-1.5-5-7. The Town Board shall establish a fee or rate per parcel of property within the Special Taxing District to provide revenue for the Storm Water Fund. The Town Board shall establish said fee or rate annually, or as often as is necessary and prudent for the creating of said fund and operation therewith.

(Ordinance No. 2016-1, passed January 11, 2016)

§ 52.02 MONTHLY FEE

(A) Definitions:

1. "Property Owner" for the purposes of this Chapter, shall mean one or more individual, partnership, corporation, limited liability company, municipality (including, the Town), or any other entity, owning a parcel of real estate within the Town limits.

2. "Active Water Meter" for the purposes of this Chapter, shall mean a water meter installed at a property in the town limits, to which the Town is providing water and billing for the use thereof and not been disabled by the Town.

3. This Section adopts the definitions created by Ordinance 2016-1: An Ordinance to Establish the Town as a Special Taxing District for Storm Water

(B) The Town shall collect a Storm Water Management Fee in the amount of \$2 per month per active water meter, due and payable from the property owner(s), jointly and severally, in 2017, and \$4.00 per month per active water meter in the same manner, in 2018, and \$5.00 per month per active water meter in the same manner in 2019 and thereafter.

(C) The Storm Water Management Fee shall be collected along with the monthly utility and trash fees by the Clerk-Treasurer, but may be billed separately in the event a parcel does not receive a monthly bill from the Town. This fee shall be assessed to the bills issued by the Town. Fees shall be collected in the same manner as all other utility fees in the Town, including the assessment of late fees, reasonable attorney fees, and costs. Delinquent accounts shall be collected as provided by Town Code or the Act and if unpaid shall become a lien upon the property.

(Ordinance No. 2016-4, passed December 12, 2016)

CHAPTER 53: RESIDENTIAL SOLID WASTE REMOVAL

Section

53.01 Residential Solid Waste Removal

§ 53.01 RESIDENTIAL SOLID WASTE REMOVAL

(A) Definitions

1. “RESIDENTIAL SOLID WASTE” is defined as plastic, glass, cans, garbage, and paper.
2. “RESIDENTIAL SOLID WASTE” shall EXCLUDE leaves, grass clippings, tree trimmings, yard waste; appliances; batteries; carpeting; furniture; junk cars, trucks, trailers, and large automobile parts; construction/remodeling debris; motor oil; tires; rocks, earth, or sod; paint; animal carcasses; any hazardous or toxic or flammable substances; and burn barrels. Residents may separately contract with the Residential Solid Waste Removal provider for the removal of excluded items on an individual basis directly with the provider.
3. “COMMERCIAL SOLID WASTE” is also EXCLUDED from the Residential Solid Waste removal and is defined as normal waste material from restaurants, offices, service stations motels, hotels, and stores. Normal waste shall be defined as paper, cans, garbage, corrugated paper, plastic, and wood crates.
4. “INDUSTRIAL SOLID WASTE MATERIAL” is also EXCLUDED and is defined as any solid waste material which may be disposed of in a state and county approved sanitary landfill.
5. “PROVIDER” means the person or entity, including its officers, managers, employees, or agents, awarded a contract for the removal of garbage, rubbish, and other solid waste by the Town.

(B) For the use of and the service rendered by the Town shall establish a Rate, based upon the bid submitted by the Provider and including the reasonable and necessary administrative costs, which shall be communicated to Town’s residents by the Clerk-Treasurer. Solid Waste Removal shall be provided within the corporate limits and surrounding area of the Town. All residential customers of the Town's Water Utility are to be serviced by the Provider.

There shall be a Solid Waste Removal Deposit of twenty (\$20.00) dollars collected with the water deposit for all new residents or meter changes. If a resident fails to pay his/her water, sewage, and/or solid waste removal bill resulting in the termination of any such services, then upon such services being started again, there shall be a twenty (\$20.00) reinstatement fee for the solid waste removal service which is in addition to any other similar fees for water and/or sewer, and which may be maintained in one account with water/sewer deposits.

(C) Residential solid waste material shall be collected once each week on Thursday which day shall be maintained except that if Thursday is a holiday, then the collection shall be on the next day. The provider of the service shall publish a notice of any change in the local newspaper, at the provider's expense. In case inclement weather prohibits normal residential pick up, the provider of services shall use every means possible to fulfill its obligations. Trash

Containers shall be placed at the curb or alley, as directed by the Provider. All reasonable efforts shall be made to prevent animals from scattering garbage and rubbish. Garbage and rubbish scattered by animals, weather, faulty bags, or otherwise, even through no fault of owner, shall be picked up immediately and bagged for collection.

(D) All residential solid waste shall be placed in plastic bags of one and one-half (1.5) mil strength or more. Bags shall be no larger than thirty-three (33) gallon size and shall weigh no more than thirty (30) pounds. All bags shall be placed in containers which shall be appropriate and any inappropriate containers will be tagged by the provider of the service. Trash containers shall be placed at the curb and not in alleys. Containers shall not be placed out earlier than 6:00 p.m. on the day before pickup and must be placed at the curb by 7:00 a.m. on the day of pick up and generally removed within twenty-four (24) hours, but in no event shall they be left out between scheduled pick-ups. The Provider has the right to refuse to pick up rusted and/or damaged containers and shall tag the same and indicate the reason for the refusal to pick up the trash. The Provider shall arrange for carry out service at any residence where the occupant is unable due to health reasons to carry containers to the curb but this service will only be provided after the occupant has established to the satisfaction of the Town that such service is necessary and the Town has notified the Provider accordingly; however, the Provider shall not remove containers from the residence or the garage of such occupant in any event.

(E) It shall be unlawful for any person or business to burn garbage or rubbish at any time. The only burning allowed is that of clean wood products in compliance with all state laws governing the same. All persons and businesses shall dispose of their garbage and rubbish on a regular basis and not allow the same to accumulate.

(F) This Section shall apply to any person or entity, including its officers, managers, employees, or agents, who transports or is engaged in the removal of garbage, rubbish, and other solid waste in or through the Town, including a Provider for the Town. Providers shall be first regulated by any contract entered into between the Town and the Provider. Collections of garbage and rubbish shall not begin before 7:00 a.m. and be completed by 7:00 p.m. on any one day. No garbage and rubbish collection/hauling vehicle shall be temporarily stopped or parked at a business or residence for more than fifteen (15) minutes. Transfer of garbage and rubbish from one collection/hauling vehicle to another within the Town limits shall be unlawful at all times. Provider shall exercise caution and all reasonable efforts to avoid scattering or spilling garbage and rubbish while collecting or transporting it. 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. 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) The Provider shall bid and shall bill based on the number of residential water meter customers of the Town and shall be paid accordingly with the number of such customers to be adjusted annually on the first day of October. For the service of collecting and disposing residential solid waste by the Town, rates and charges shall be collected for each and every residential lot, parcel, real estate or building which is served with a water meter unit in the amount of Thirteen and 50/100 Dollars (\$13.50). Since this is a regular, recurring bill, the Town Clerk is authorized

to make payment for the billings pursuant to the terms of the contract in effect at the time of any such payment. The Town shall be responsible for billing and collection of residential accounts for the removal of residential solid waste material as that is defined in this Ordinance. The Town shall retain a three (3%) percent retainage from each month's payment, rounded to the next highest dollar, to secure the proper compliance of the provider with the terms of the contract and said retainage shall be paid to the provider on the annual anniversary date, or as otherwise provided for by contract, so long as the services of the provider have been acceptable.

(H) Penalty, see § 10.99.

(1995 Code, Ch. 108; Ordinance No. 1998-5, passed August 3, 1998; Ordinance No. 2006-3, passed September 25, 2006; Ordinance No. 2015-1, passed September 25, 2015; Ordinance No. 2017- , passed December 11, 2017; Ordinance No. 2018-1, passed March 12, 2018; amended by Ordinance No. 2020-0810, passed August 10, 2020)

TITLE VII: VEHICLES AND RIGHTS OF WAY

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

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. Between a safety zone and the adjacent curb or within thirty feet of a point of the curb immediately opposite the end of a safety zone.
4. Within thirty feet or 9.15 meters of a traffic signal beacon, or sign on the approaching side.
5. Within twenty feet or 6.10 meters of any intersection or crosswalk.
6. At any place where the standing of a vehicle usable width of the roadway for moving traffic to less than eighteen feet.
7. Within fifteen feet or 4.57 meters of a fire hydrant.
8. At any place where the vehicle would block the use of a driveway.
9. Within fifty feet or 15.15 meters of the nearest rail of a railroad grade crossing.
10. Within twenty feet or 6.10 meters of the driveway entrance to any fire department station and on the side street opposite the entrance to any such station within seventy-five feet or 22.87 meters of such entrance when properly sign posted.
11. On any sidewalk or parkway.
12. At any place where official signs prohibit parking.
13. At any place where the curb has been painted yellow by the Town.
14. 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.

(B) No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten 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.

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

(D) It is unlawful for any person to park or leave standing any vehicle in a stall or space designed for physically handicapped person, 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 vehicle 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 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. These provisions shall apply to all off-street parking facilities owned or operated by the Town or by any privately-owned or operated parking lot.

(E) Penalty, §10.99.

(F) Vehicles parked contrary to provisions of this Chapter shall constitute a nuisance.

(G) The Clerk-Treasurer shall send a bill for the removal and storage of the motor vehicle to the owner thereof and the owner of the private property on which it was improperly parked, if applicable, by certified United States mail.

(H) If the owner fails to pay the costs as billed within sixty (60) days, the Clerk-Treasurer shall certify to the Warren County Auditor the amount of the bill, plus any additional costs incurred in the certification, and the Warren County Auditor shall place the total amount certified on the tax duplicate for the property affected, to be collected as delinquent taxes are collected.

(I) Within thirty (30) days after receipt of a notice or bill issued under this ordinance, any aggrieved person may appeal the issuance of such notice or bill to the Warren Circuit Court.

(1995 Code, Ch. 81; Ordinance No. 1998-11, passed November 12, 1998; Ordinance No. 2000-02, passed June 12, 2000; amended by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 71: SNOW EMERGENCY ROUTES

Section

71.01 Repealed

§ 71.01 SNOW EMERGENCY ROUTES

Repealed.

(1995 Code, Ch. 82; repealed by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 72: WEIGHT RESTRICTIONS

Section

72.01 Weight Restrictions

§ 72.01 WEIGHT RESTRICTIONS

(A) It shall be unlawful to operate any vehicle on any street in the Town when the gross weight on the surface of the road of such vehicle exceeds twenty thousand pounds, and on any street where the weight of vehicles permitted on such streets is limited by ordinance and signs indicating such limitations are posted, it shall be unlawful to operate a vehicle in excess of such weight on such streets, except for the purpose of making delivery or picking up a load, in which case such vehicle may be driven on such street for not more than the minimum distance necessary for the purpose.

(B) It shall be unlawful for any person to operate or move, or the owner of any vehicle or combination of vehicles, the gross weight of which is over 20,000 pounds, or 10 tons, to cause or knowingly permit the same to be operated or moved, upon the public streets, avenues and alleys in the Town, excepting over Indiana State Rd. 263.

(C) The following designated vehicles shall be excepted from the weight limit restriction set forth herein: vehicles owned by the Town, or operating at the request of the Town, commercial vehicles delivering goods and services to residents and businesses within the Town, utility trucks, garbage trucks, or any vehicles actively in use for public works within the Town.

(D) Penalty, see §10.99.

(Ordinance No. 2017-411, passed May 8, 2017; amended by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 73: SNOWMOBILE REGULATIONS

Section

73.01 Repealed.

§ 73.01 SNOWMOBILE REGULATIONS

Repealed.

(1995 Code, Ch. 85; repealed by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 74: OFF-ROAD VEHICLES AND GOLF CARTS

Section

74.01 Off-Road Vehicles and Motorized Bicycles

§ 74.01 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-highway 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 must have a valid driver's license and 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. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. The vehicle shall be operated so that it does not impede or block the normal flow of traffic.
8. Drinking alcoholic beverages while driving or riding on the vehicle by the driver or any passenger is prohibited.
9. Vehicles must clearly display a Town Registration tag on the right rear of the vehicle and in plain view. A Town tag will be issued through the Clerk-Treasurer's Office for a period of one year, effective from January 1 through December 31, at a cost of \$5.00 per year.
10. Applicants for the Tag must provide owner's name, address, telephone number and proof of insurance.
11. Replacement cost for lost stickers shall be \$25 unless the old sticker is returned to the Clerk's office. If the old sticker is returned, the cost for replacement shall be \$5.

(C) Penalty, see §10.99.

(D) 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. 2000-3, passed November 13, 2000; repealed by Ordinance No. 2020-0210C, passed February 10, 2020)

§ 74.02 GOLF CARTS

(A) Definitions

1. **GOLF CART:** A vehicle with four wheels originally designed for operation on a golf course and powered by a battery or internal combustion motor as currently or hereafter defined by state statute.

2. **DRIVER'S LICENSE:** A valid license to operate a motor vehicle issued by Indiana or any other state.

3. **FINANCIAL RESPONSIBILITY:** Liability insurance coverage on a golf cart in an amount not less than required by Indiana law for motor vehicles operated on public highways in the State of Indiana.

(B) The operation of a golf cart on the streets or alleys of the Town is prohibited unless the golf cart is operated and equipped in full compliance with this Chapter.

(C) Only persons holding a valid driver's license may operate a golf cart on the streets or alleys of the Town.

(D) The operator or owner of the golf cart must be able to show proof of financial responsibility whenever the golf cart is being operated on the streets or alleys of the Town.

(E) Golf carts shall not be operated on any Town street or alley between sunset and sunrise, unless the golf cart is equipped with two operating headlights (one on each side of the front of the golf cart), and two operating taillights with brake lights (one on each side of the rear of the golf cart), which shall be visible from a distance of five hundred feet.

(F) Golf carts may only be operated on the streets and alleys of the Town. Golf carts may not be operated on any State Highway, except for crossing the same at a ninety degree angle at an intersection and when yielding right-of-way to any traffic on the State Highway when so crossing or when the State has closed the State Highway for a scheduled event, such as a parade. Sidewalks are not to be used for the purpose of traversing from location to location.

(G) The number of occupants in a golf cart shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart. The operator and all occupants in the golf cart shall be seated in the golf cart and no parts of the bodies of the operator or any occupant shall extend outside the perimeter of the golf cart while it is in operation.

(H) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State and the Town, which govern the operation of motor vehicles, including maximum speed limits for golf carts.

(I) All golf carts must display on the back of the golf cart a slow-moving vehicle sign of the same type required under Indiana law.

(J) Any golf cart operated on the streets or alleys of the Town shall be registered each year with the Town. There shall be a fee of \$5.00 each year for registration and the owner of the golf cart shall complete the application for registration providing the requested information in order to obtain the approval of such registration. Upon completion of the registration process, the owner shall be provided with a sticker to be placed on the golf cart in a clearly visible position to confirm the completion of the registration process and shall also be clearly visible for purposes of inspection. This section shall not apply to nonresidents who participate in public events that are approved by the Town.

(K) Penalty, see §10.99.

(Ordinance No. 2010-2, passed December 13, 2010)

TITLE IX: GENERAL REGULATIONS

- 90. ANIMALS**
- 91. NUISANCES**
- 92. LITTER CONTROL**
- 93. NOISE POLLUTION**
- 94. FAIR HOUSING**
- 95. PROTECTING PARKS AND PARKWAYS**
- 96. SIDEWALKS AND ALLEYWAYS**

CHAPTER 90: ANIMALS

Section

- 90.01 Injury to Property
- 90.02 Manner of Keeping
- 90.03 Dogs and Cats Running at Large
- 90.04 Impounding Dogs
- 90.04 Keeping Barking Dogs and Crying Cats
- 90.05 Keeping of Numerous Dogs in the Town
- 90.06 Cruelty to Animals Prohibited
- 90.07 Wild or Vicious Animals
- 90.08 Rabies and Animal Bites
- 90.09 Registering Dogs
- 90.10 Miscellaneous Provisions

§ 90.01 INJURY TO PROPERTY

(A) 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.

(B) 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.

§ 90.02 MANNER OF KEEPING

(A) 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.

(B) 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.

§ 90.03 DOGS AND CATS RUNNING AT LARGE

(A) It shall be unlawful for any person owning or possessing any dog or cat to permit the same to run at large. For the purpose of this paragraph, "running at large" shall be defined to

be the presence of a dog or cat at any place except upon the premises of the owner. 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.

Penalty, see §10.99.

(Amended by Ordinance No. 1998-10)

§ 90.04 IMPOUNDING DOGS

(A) Whenever any police officer or other person designated by the Board shall find any dog or cat running at large and defined in this ordinance, he/she shall, if possible, pick up and impound such animal in such place as the Board may direct.

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 following:

1. Fifty dollar (\$50.00) impound fee paid to the Town for each impounding;
2. The impound or per diem cost for each day held at the County Animal Shelter or any other impounding facility as may be designated by the Board of Trustees from time to time.

(B) Owner must provide proof animal has been immunized before it can be released. If animal has not had shots required by state law, animal must be immunized, at owner's expense, before it is released. Owner must provide the impounding facility with receipt the Clerk-Treasurer for payment of all impounding fees before animal will be released. The destruction of any impounded dogs or cats by any police officer or any person designated by the Board under the provisions of this Section shall be by means of a humane manner.

(Ordinance No. 1997-06; amended by Ordinance No. 2002-01)

§ 90.05 KEEPING BARKING DOGS AND CRYING CATS

(A) It shall be unlawful for any person knowingly to keep or harbor any dog (which term shall also include a bitch in heat which causes other dogs to bark, howl or yelp) 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. Such dogs and cats are hereby declared to be a public nuisance.

(B) Whenever any person shall complain to the police department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any

person in the Town, the police department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, yelping or crying.

If the warning given to the person alleged to be keeping a dog or cat as set forth in (B) above is ineffective, then a verified complaint of at least two citizens not from the same family may be presented to the police department, alleging that a vicious dog or a dog which habitually barks, howls or yelps, or a cat which habitually cries or howls is being kept by any person within the Town. The police department shall inform the owner of such dog or cat that said petition has been received and shall cite the owner of the dog or cat for the violation alleged in said petition.

§ 90.06 KEEPING OF NUMEROUS DOGS IN THE TOWN

(A) The keeping of an unlimited number of dogs in the town for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs is, therefore, declared to be a public nuisance. "Dog" shall mean any canine, regardless of age or sex.

(B) It shall be unlawful for any person or persons to keep more than five dogs within the Town with the exception that a litter of pups or a portion of a litter may be kept for a period of time not exceeding five months from birth.

The provisions of this section shall not apply to any establishment wherein dogs are kept for breeding, sale, sporting purposes or boarding, or any residence wherein dogs are kept for fostering or rescue, so long as the property owner can demonstrate registration as a 501(C)(3) organization or accreditation by a recognized fostering organization.

(C) In the areas where kennels are permitted, no kennel shall be located closer than one hundred (100) feet to the boundary of the nearest adjacent residential lot.

§ 90.07 CRUELTY TO ANIMALS PROHIBITED

(A) 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.

(B) 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. As used in this paragraph:

1. "Shade" shall mean protection from the direct rays of the sun during the months of June through September.

2. "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 protection against cold and dampness.

§ 90.08 WILD OR VICIOUS ANIMALS

(A) It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal for display or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Indiana Department of Natural Resources.

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 occupant.

(B) Definitions.

1. "Wild animal" shall mean any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.

2. "Vicious animal" shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

§ 42.09 RABIES AND ANIMAL BITES

(A) Anyone having knowledge or reason to believe that any animal in the Town has bitten a person shall report within twenty-four (24) hours, so far as is known, the name and address of the owner and circumstances of the animal. Such report concerning bites shall be made to the police department.

(B) 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 killed and head shipped to the state laboratory of hygiene for rabies examination.

Whenever a wild animal has bitten a person, it shall be killed, avoiding damage to the head (brain) area, and shipped to the state laboratory of hygiene under refrigeration, but not frozen, for rabies examination.

§ 90.10 REGISTRATION OF DOGS

(A) All dogs harbored in the Town, shall be registered each year by May 1.

(B) Registration shall be made at the Town Hall on forms as may be prescribed from time to time. At such registration, the owner of any such dog shall provide proof of vaccination as required by law.

(C) There shall be a fee of Five (\$5.00) Dollars for each dog and each dog shall be provided with a tag by the Town so that the dog may be identified. Each dog is required to wear such tag.

§ 90.11 MISCELLANEOUS PROVISIONS

(A) Except as otherwise provided in this chapter no person shall keep within the town any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, or other livestock.

(B) This Section shall not apply in areas of the Town that are zoned Agricultural in nature nor shall this Section apply to livestock brought into the town for the purpose of being shipped out of the Town.

(C) The county health officer shall have the power to issue an order prohibiting the keeping of any animal, fowl, or bird which is deemed to pose a health hazard to the general public.

(D) The keeping of animals, birds or fowls otherwise prohibited by this Section may be permitted by applying for a special permit from the Town. Such permits may be issued to permit circus performances or other public exhibition or entertainment events.

(E) Penalty, see §10.99.

(Ordinance No. 1998-10, passed October 1, 1998; amended by Ordinance No. 2002-02, passed February 11, 2002; amended by Ordinance No. 2020-0810; passed August 10, 2020)

CHAPTER 91: NUISANCES

Section

91.01	Nuisances on Private Property
91.02	Controlled Burning
91.03	Weeds and Noxious Plants
91.04	Junked Motor Vehicles

§ 91.01 NUISANCES ON PRIVATE PROPERTY

(A) The term "nuisance" is defined to mean any condition or use of premises or of the building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located or any act of any person or group within the Town whereby the health or life of any person may be endangered, injured or impaired, or any disease may, directly or indirectly, be caused by the act, or because of the act any property may be endangered, injured or damaged. The maintenance of a nuisance is hereby declared to be unlawful.

(B) Acts of nuisance shall include, but are not expressly restricted to:

1. The owner, occupant or the agent of any owner or occupant of lots, parcels or areas within the Town permitting the premises to become unsanitary or a fire menace by allowing any offensive or unsafe matter to grow, accumulate or otherwise occupy and remain upon such premises.

2. The owner, occupant or the agent of any owner or occupant of lots, parcels or areas within the Town permitting pools of water to accumulate and remain upon the premises and become stagnant and foul.

3. The owner, occupant or the agent of any owner or occupant of lots, parcels or areas within the Town in a residential area allowing junk, trash, waste, furniture, refrigerators, freezers, cans, containers, automobile tires or old lumber to accumulate and remain upon the premises as a possible harborage for rats, snakes, other vermin, insects or other pests.

(C) Penalty, see §10.99.

(D) The owner, occupant, or the agent of any owner or occupant shall jointly and severally abate said nuisance by the prompt removal of the same. The Town Superintendent or his designee shall abate each such nuisance at the expense of the owner or occupant of the premises in the manner provided for by the statute for abatement of weeds and rank vegetation, to-wit: I.C. 36-7-10-3, as amended, if the owner fails after receiving notice in the time and manner provided above to abate such nuisance. Payment of the expenses for the abatement of such nuisance shall not relieve any person from paying the fee provided for violation.

(Ordinance No. 1995-3, passed June 12, 1995)

§ **91.02 CONTROLLED BURNING**

(A) As used in this section, the following terms shall have the following meanings

1. The term “prohibit” shall mean to stop or prevent.
2. The term “burning” shall mean to be on fire, to give forth light and heat during combustion or to be charred or scorched by action of fire or heat.
3. The term "trash" is something readily flammable that would not emit toxic or offensive substances or would emit them in quantities too small to be annoying or dangerous to health or safety.
4. The term “rubbish" shall mean any substance that is not readily combustible such as rubber, oily liquids, cloth, plastics, glass, metal, aluminum and leather, etc.
5. The term "garbage" shall mean food wastes such as fruit, vegetables, meat, cooking greases, dried cereal, bread, beverages, and semi-solid waste resulting from processing, handling, preparation and cooking of dead animals, animal waste, etc.

(B) No person within the Town shall burn any rubbish or garbage.

1. No person shall burn or cause to be burned any trash on any asphalt, tar, concrete, brick, gravel, street, alley or any Town property, except with permission of the Fire Chief, or in such a place, amount or manner or during weather conditions which could endanger surrounding property. Burning is prohibited in apartment complexes and mobile home parks and shall not take place closer than twenty (20) feet from any combustible building, fence or pole, foundation, weeds or other combustible materials.
2. Burning is prohibited during unfavorable weather conditions such as temperature inversions, high winds, air stagnation, or when the wind speed exceeds five (5) miles per hour.
3. No burning shall take place which involves the utilization of fuel oil, tires, kerosene or any other petroleum-based material or material which produces black smoke.
4. All burning shall take place in a noncombustible container with a solid bottom and opening in its sides not to exceed one quarter inch square.
5. No burning shall take place on any date designated by the Town Board to be a health hazard day due to adverse atmospheric conditions or if such burning creates an air pollution problem, a nuisance or a fire hazard. Any fire or burning deemed to be an air pollution problem, a nuisance or a fire hazard by an officer in charge of the Fire Department shall be extinguished immediately upon request of a Town Marshal, a member of the Fire Department or other health authority present in the Town.

(C) The following exceptions are exempt from the terms of this Section:

1. Supervised burning of leaves may take place on private property at least twenty (20) feet from any building or property line, without container, from October 15 to November 15 during the designated hours as stated above.
2. Any other fires or burning considered by the Board of Trustees or Chief of the Fire Department, which exemptions will not be contrary to public interest and where a literal enforcement of the provision of this ordinance will cause unnecessary hardship, such as fires celebrating Twelfth Night ceremonies, celebrating school pep rallies, celebrating scouting activities, camp fires or agricultural operations approved by the Fire Chief and in compliance with the State Air Pollution Control Board and State Fire Marshal Guidelines. Burning or fires

which are allowed as exemptions to this Section shall comply with the other terms of this Section such as being attended at all times, extinguished fully at the end of the burning, shall occur during the hours set forth herein, shall not take place during unfavorable weather conditions, etc., and shall be extinguished if it creates an air pollution problem, nuisance or a fire hazard.

(D) All burning taking place which is nonresidential in nature must comply with the following conditions:

1. All burning must meet the guidelines and restrictions of the Air Pollution Control Board of the State of Indiana on incinerator limitations. (copies of this document are available in the Fire Chief's office).

2. All such burning must utilize a stationary incinerator and shall not take place in any portable incinerator or other homemade incinerator unless approved by the State Board of Pollution, County Fire Chief and State Air Pollution Control Board.

3. All incinerators in which burning takes place shall be maintained properly as specified by the manufacturer and shall be operated only according to the manufacturer's recommendations.

(E) If any subsection, provision, clause, sentence or phrase of this Section is for any reason held to be unenforceable or void, such holding shall not affect the relativity, enforceability or validity of the remaining portions of this Section.

(F) Penalty, see §10.99.

(1995 Code, Ch. 106; amended by Ordinance No. 2020-0810, passed August 10, 2020)

§ 91.03 WEEDS AND NOXIOUS PLANTS

(A) It shall be unlawful for any property owner or occupant in the Town to permit weeds, grasses, plants and vegetation, other than bushes, trees, flowers, ornamental plants or garden plants, to grow to a height of more than six (6) inches within the Town boundaries (hereinafter, "weeds and rank vegetation" or "tall grass", which terms may be used interchangeably). Any such weeds and rank vegetation or tall grass shall be considered a nuisance.

(B) The Board of Trustees shall be responsible for the administration of this section, and the Clerk-Treasurer shall be responsible for the provision of all mailings and filings required as set forth below.

(C) When the Board of Trustees, Clerk-Treasurer or Marshal become aware of the existence of a violation of this section, notice of the violation shall be sent by certified mail, first class mail, or an equivalent service permitted under Indiana Code Section 1-1-7-1, by the Clerk-Treasurer to the owner of record of real property with a single owner, or at least one (1) of the owners of real property with multiple owners, at the last address of the owner of the property as indicated in the records of the County Auditor on the date of the notice. If an initial notice of the violation under this section was provided by certified mail, first class mail, or equivalent service

under this subsection, a continuous abatement notice may be posted at the property on the front door at the time of abatement instead of by certified mail, first class mail, or equivalent service as required under this subsection. A continuous abatement notice serves as notice to the real property owner and occupant 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.

The notice 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:

1. There appears to be vegetation growing on the property exceeding six (6) inches, contrary to this section;
2. That the owner or occupant has seven (7) days from the date of the mailing of the notice to cause the property to be brought into compliance with this section;
3. That in the event that the property is not in compliance within seven (7) days of the mailing of the notice, the Town will use town equipment and personnel to mow the property to abate the violation;
4. That the owner will be billed following the provision of these services in the minimum sum of \$250.00 which, depending on the administrative costs and actual hours of labor expended, may be higher; and
5. That in the event that the bill is not paid within 30 days of its mailing to the owner or occupant, the bill will be deemed delinquent. Delinquent weeds and rank vegetation abatement billings and tall grass billings shall be collected by billing, by filing a civil action, by filing a Notice of Lien with the County Assessor or by foreclosing a lien.
6. In the event a property owner objects to the issuance of a bill in the manner described above, the property owner or occupant shall notify the Clerk-Treasurer and request to be placed on the agenda of the next Board of Trustees meeting, or at a later meeting at the option of the Clerk-Treasurer. At the meeting the Board of Trustees present shall vote for or against the objection and the majority shall prevail. If the Board of Trustees denies the appeal, the property owner or occupant shall have seven (7) days to make payment. In the event the bill is not paid within seven (7) days of the decision of the Board of Trustees, it is delinquent. Delinquent tall grass and weed abatement charges shall be collected in the manner set forth above.

(Ordinance No. 1981-4; amended by Ordinance No. 2020-0210A, passed February 10, 2020)

§ 91.04 JUNKED MOTOR VEHICLES

(A) Because of the danger to health from vermin and insects and because of the danger to the safety of children attracted by such vehicles, abandoned and junked motor vehicles are declared to be nuisances.

(B) After written notice by the Town Marshal of the Town or his or her authorized designee, or on authority of the Board of Trustees, it shall be unlawful for any person to store or to allow to remain in the open upon public or private property within the Town, any disassembled, or inoperable, or unlicensed, or any other junk, wrecked, or abandoned motor

vehicles for a period of three (3) days or more on public property or for a period of five (5) days or more on private property, unless it is in connection with an automotive sales or repair business enterprise which operates under duly issued and exhibited retail certificate and is located on a properly zoned area.

(C) When the Town Marshal of the Town, or his or her authorized designee or the Board of Trustees shall find any such vehicle placed or stored in the open upon public property within the Town, he, she or they may, issue an order to the owner or possessor of such vehicle to remove such vehicle within three (3) consecutive days on public property and within five (5) consecutive days on private property. Notice of such order shall be placed upon said, vehicle and an attempt shall be made to personally notify the owner of the vehicle; and the occupier of the private property, if applicable. If such vehicle is not removed within the time limit set forth herein, Town Marshal, an authorized designee, or the Board of Trustees, shall cause such vehicle to be removed by a junk car salvage yard or wrecker service to be paid by the owner of such vehicle.

(D) The provisions of this chapter shall not apply to auto salvage yards and/or junk yards that are duly operated and licensed by the State, the County, and/or the Town.

(E) The Board of Trustees may, except for emergencies, take the actions set forth herein at public meetings in the event that there is no Town Marshal or designee available to act hereunder.

(F) Penalty, see §10.99.

(Ordinance No. 2006-01

CHAPTER 92: LITTER CONTROL

Section

92.01	General Provisions
92.02	Maintenance of Property
92.03	Abatement of Nuisance

§ 92.01 GENERAL PROVISIONS

(A) The following terms shall have the meaning given herein unless their use in the text clearly demonstrates a different meaning.

1. Commercial handbill shall mean and include any handbill which:
 - a. Advertises anything for sale, or promotional gifts or prizes.
 - b. Directs attention to any business or other activity for the purpose of either directly or indirectly promoting the interests thereof by sales and other means.
 - c. Directs attention to or advertises any meeting, exhibition, theatrical or other performance or event of any kind for which an admission fee is charged; or
 - d. While containing reading or pictorial matter other than advertising matter is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.
2. Construction sites shall mean and include any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.
3. Elements shall mean and include any force which with reasonable foreseeability could carry litter from one place to another.
4. Handbill shall mean and include any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed matter or literature which is not delivered by United States mail, except that handbill shall not include a newspaper.
5. Litter shall mean and include any uncontainerized man-made or man-used waste deposited within the Town otherwise than in a litter receptacle. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, rubbish, grass clippings or other lawn or garden waste, trees or limbs, newspaper, magazine, glass, metal, plastic or paper container or construction material, motor vehicle part, furniture, oil, carcass of a dead animal, or nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.
6. Litter receptacles shall mean and include any container which is designated to receive litter and to prevent the escape of litter deposited therein and which is of such size or sufficient capacity to hold all litter generated between collection periods.
7. Loading or unloading docks shall mean and include any dock space or area used by any moving vehicle for the purpose of receiving, shipping, and transporting goods, wares, commodities and persons.
8. Newspaper shall mean and include any newspaper of general circulation, as defined by law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation, and in addition thereto, shall mean and include any

periodical or current magazine regularly published with not less than four issues per year and sold or distributed to the public.

9. Park shall mean and include a public or private park, reservation, playground, beach, recreation center or any public or private area devoted to active or passive recreation, or any other area under the supervision of the department of parks and recreation.

10. Parking lots shall mean and include any private or public property with provisions for parking vehicles, to which the public is invited or which the public is, permitted to use or which is visible from any public place or private premises.

11. Person shall mean and include any natural person, firm, partnership, association, corporation, company, not-for-profit organization, or any governmental entity.

12. Private premises shall mean and include any dwelling house, building or other structure designed to be used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, mailbox, or other structure belonging or appurtenant to such dwelling house, building or other structure.

13. Public place shall mean and include any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.

(B) Regulations set forth in this Section shall be enforced by the Town or the police.

(C) The accumulation of litter on any private premises is hereby declared to be a nuisance. The Town superintendent or his designee shall abate such a nuisance at the expense of the owner or occupant of the premises in the manner provided by statute for abatement of weeds and rank vegetation, to-wit: I.C. 36-7-10-3, as amended, if the owner fails after receiving notice in the time and manner provided above to remove the litter or confine it in a container complying with this ordinance. Payment of the expenses of abating the nuisance shall not relieve any person from paying the fine provided for violation of this ordinance.

(D) No person shall convey any material over any street or public way in a manner that causes or permits the litter to fall on a street or public way.

§ 92.02 MAINTENANCE OF PROPERTY

(A) Every owner or occupant or lessee of a house or building used for residence, business or commercial purpose shall maintain litter collection and storage areas so that no litter is outside of containers.

(B) All litter that is subject to movement by the elements or by animals shall be secured by the owner of the premises where it is found before the same is removed by the elements or by animals to adjoining premises.

(C) It shall be the duty of any person owning or controlling a house or other building or premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonably litter free condition.

(D) The owner or person in control of any place open to the public, including but not limited to restaurants, shopping centers, fast-food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations and hospitals and clinics shall at all times keep the premises clean of all litter and shall take measures including daily cleanup of the premises to prevent litter from being carried by the elements or by animals to adjoining premises or to any street or other public place.

(E) The person, firm, company, or corporation owning, operating or in control of loading or unloading dock shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried by the elements or by animals to adjoining premises.

(F) The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried by the elements or by animals to adjoining premises. All litter from construction activities or any related activities shall be picked up at the end of each workday and placed in containers which will prevent litter from being carried to adjoining premises.

(G) No person owning, occupying or controlling any premises shall permit any litter to spread from the premises to an adjacent public sidewalk or public alley, and if any litter does spread to a public sidewalk or alley, the owner, occupant and person in control of the premises shall immediately clean up all such litter. The owner, occupant and person in control shall each be responsible for complying with this section.

(H) It shall be unlawful for any person who is in control of any premises upon which is located or on whose behalf there is maintained any container of refuse, waste or garbage which has been containerized in accordance with a contract for its removal to allow that refuse, waste or garbage to remain uncollected beyond the date provided by the contract for its collection and removal, or to allow that container to remain unemptied for longer than fourteen days or after that refuse, waste or garbage creates any condition which is offensive due to odor, attraction of vermin or danger to health.

(I) It shall be unlawful for any person who has contracted to collect and remove refuse, waste or garbage to allow that refuse, waste or garbage to remain uncollected beyond the date provided by the contract for its collection and removal, or in any case to allow that container to remain unemptied for longer than fourteen days or in any case until after that refuse, waste or garbage creates any condition which is offensive due to odor, attraction of vermin or danger to health. If any contractor fails to comply with this section, the town superintendent may proceed at the contractor's expense, after notice, in the manner provided in the ordinance on abatement of environmental nuisances.

(J) Penalty, see §10.99.

§ 92.03 ABATEMENT OF NUISANCE

The owner, occupant, or the agent of any owner or occupant shall jointly and severally abate said nuisance by the prompt removal of the same. The Town Superintendent or his designee shall abate each such nuisance at the expense of the owner or occupant of the premises. Payment of the expenses for the abatement of such nuisance shall not relieve any person from paying the fine provided for violation of this Chapter.

(Ordinance No. 1993-2, passed March 1, 1993; Ordinance No. 1995-2, passed June 12, 1995; amended by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 93: NOISE POLLUTION

Section

93.01 Noise Pollution

§ 93.01 NOISE POLLUTION

(A) It shall be unlawful for any person to willfully make or continue, or cause to be made or continued any unnecessary noise within the Town.

(B) It shall be unlawful for any person to use, operate, cause or permit to be sounded any bell or chime or any device for the production or reproduction of the sounds of bells or chimes, from any church, clock or school, between the hours of 10 p.m. of one day and 6 a.m. of the following day.

(C) It shall be unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner to cause to be made or continued any unnecessary noise as heard without measurement.

1. The operation of any such set, instrument, television, phonograph, machine or device at any time in such a manner as to be plainly audible at either the property line, or 25 feet in the case of a vehicle or public rights-of-way, shall be prima facie evidence of a violation of this section.

2. This section shall not apply to any person who is participating in a school band or in a parade for which a permit has been issued by the town.

(D) No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motorboat, motor vehicle, or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass, or similar device.

1. Penalty, see §10.99.

(1985 Code, Chapter 102. Ordinance No. 1999-3; amended by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 94: FAIR HOUSING

Section

94.01 Fair Housing

§ 94.01 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 (H) of this Section. Also, pursuant to 24 CFR Part 5, the definition of “family” is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.

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 1 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 physical or mental impairment which substantially limits one or more of such person's major life activities.
- a record of having such an impairment, or
- being regarded as having such an impairment,
- 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.

7. 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 (LC. 22-9.5-2-10(c)).

8. An Aggrieved Person includes any person who (I.C. 22-9.5-2-2) claims to

have been injured by a discriminatory housing practice; OR believes that such person will be injured by a discriminatory housing practice that is about to occur.

9. Familial Status 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.

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.

10. 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.

11. 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.

(C) Subject to the provisions of subsection (B) of this Section, Section 9 of this Section 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 (B) and Title 22-9.5-3 of Indiana Code.

2. Other than the provisions of subsection (C) 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 exempted 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 4(C) of this Section, but nothing 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, or

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 (b), a person shall be deemed to be in the business of selling or renting dwellings if:

a. They have, 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. They have, 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 transactions involving the sale or rental of any dwelling or any interest therein, or

c. They are 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 this Chapter 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 or 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 induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

6. 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:

c. that buyer or renter;

d. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

e. any person associated with that person.

7. 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:

a. that person; or

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

c. any person associated with that person.

8. For purposes of this subsection, discrimination includes:

a. 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;

b. 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

c. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that;

I. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

II. 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

III. 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 inaccessible locations;

C. reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

9. Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people (commonly cited as DANZIA 117.1") suffices to satisfy the requirements of this Chapter.

10. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

(E) 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.

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

a. The making or purchasing of loans or providing other financial assistance:

III. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

IV. secured by residential real estate.

b. The selling, brokering, or appraising of residential real property.

2. Nothing in this Ordinance 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 this Chapter.

(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 of the activities, services, organizations or facilities described above; or

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

c. 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 above, 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 defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Chapter.

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

purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

3. Nothing regarding familial status shall apply with respect to housing for older persons. 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) The authority and responsibility for properly administering this Chapter and referral of complaints hereunder to the Commissioner as set forth in subsection (B) hereof shall be vested in the President of the Board of Trustees. 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 Chapter, herein elects to refer all formal complaints of violation of the articles of this Chapter by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town, 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. 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 Ordinance and shall cooperate with the Board President and the Commission to further such purposes. The Town Board President or his/her designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

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

(Ordinance No. 2012-05, passed September 10, 2012)

CHAPTER 95: PROTECTING PARKS AND PARKWAYS

Section

95.01 Repealed

§ 95.01 PROTECTING PARKS AND PARKWAYS

Repealed.

(1995 Code, Ch. 103; repealed by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 96: SIDEWALKS AND ALLEYWAYS

Section

96.01	Repealed
96.02	Repealed
96.03	Alleyways

§ 96.01 SIDEWALKS

Repealed.

(Ordinance No. 1998-6; amended by Ordinance No. 1999-5, passed December 1, 1999; repealed by Ordinance No. 2020-0810, passed August 10, 2020)

§ 96.02 HAZARDS ACROSS STREETS AND SIDEWALKS

Repealed.

(Ordinance No. 2008-10, passed December 8, 2008; repealed by Ordinance No. 2020-0810, passed August 10, 2020)

§ 96.03 ALLEYWAYS

(A) The term "Alley Ways" or "Alley Way" includes all platted alley ways whether improved or unimproved.

(B) It is determined that no person shall cause damage to any Alley Ways in the Town.

(C) Penalty, §10.99.

(Ordinance No. 2008-5, passed May 12, 2008)

TITLE XI: BUSINESSES

Chapter

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

CHAPTER 110: AUTOMATIC AMUSEMENT DEVICES

Section

110.01 Automatic Amusement Devices

§ 110.01 AUTOMATIC AMUSEMENT DEVICES

Repealed.

(1995 Code, Ch. 21; repealed by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 111: BILLIARD AND POOL HALLS

Section

111.01 Billiard and Pool Halls

§ 111.01 BILLIARD AND POOL HALLS

Repealed.

(1995 Code, Ch. 22; repealed by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 112: ITINERANT MERCHANTS

Section

112.01 Itinerant Merchants

§ 112.01 ITINERANT MERCHANTS

(A) Definitions. 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 Ordinance 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, Mary Kay, Schwan's, etc.).
2. A person under the age of eighteen (18) years ("Juvenile"), engaged in conduct regulated by this Ordinance for a charitable organization, is not required to obtain an individual permit, so long as an adult: (1) complies with all provisions of this Ordinance, 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 Chapter.

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 Board of Trustees 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 Ordinance shall be transferable.
2. All licenses issued under this division 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) 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:

1. The name and address of the applicant;
2. 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;
 - a. The local address of such individual;
 - b. The permanent address of such individuals;
 - c. The capacity in which such individual will act;
3. 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;
4. The time period or periods during which it is proposed to carry on applicant's business;
5. The nature, character, and quality of the goods to be offered for sale or delivered;
 - a. If goods, their invoice value and whether they are to be sold by sample as well as from stock;
 - b. If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;

6. The nature of the advertising proposed to be done for the business;
7. 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;
8. A description of any vehicle proposed to be used in the business, including its registration number, if any; and
9. 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 West Lebanon 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 of West Lebanon as an additional insured.

(H) Penalty, see §10.99.

(1995 Code, Chs. 23, 24, and 25; repealed and replaced by Ordinance No. 2020-0122, passed January 22, 2020)

TITLE XIII: HEALTH AND SAFETY

- 130. CURFEW**
- 131. WEAPONS**
- 132. 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 1:00 A.M. and 5:00 A.M. on Saturday or Sunday;
 2. after 11:00 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 11:00 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;
 4. 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. participating in an activity undertaken at the prior written direction of the child's parent, guardian, or custodian; or
 5. 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 section. 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 section to be issued to said offending parent, guardian or custodian.

(F) Penalty, see §10.99.

(Ordinance No. 1997-2, passed October 13, 1997; amended by Ordinance No. 2003-4; amended by Ordinance No. 2020-0210B, passed February 10, 2020)

CHAPTER 131: WEAPONS

Section

131.01 Shooting and Discharge of Weapons

§ 131.01 SHOOTING AND DISCHARGE OF WEAPONS

(A) It shall be unlawful for any person, with the exceptions set out below, to shoot, fire, or discharge any firearm, gun, air pistol, air gun, BB gun, bow, cross-bow, Taser, sling-shot, or other mechanical device to shoot or throw shot, bullets, stones, arrows, BBs, electrical energy, or other missiles or forceful energy within the limits of the Town.

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

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

(D) Penalty, see §10.99

(Ordinance Nos. 1993-4; Ordinance No. 2009-3, passed February 9, 2009; amended by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 132: LOITERING

Section

132.01 Repealed

§ 132.01 LOITERING

Repealed.

(Ordinance No. 1997-4; repealed by Ordinance No. 2020-0810; passed August 10, 2020)

TITLE XV: LAND USE

- 150. BUILDING REGULATIONS**
- 151. UNSAFE BUILDINGS**
- 152. FLOOD HAZARD AREAS**

CHAPTER 150: BUILDING REGULATIONS

Section

150.01	Zoning
150.02	Building Code, Authorization, Building Commissioner, Regulations
150.04	Building Permit Fees
150.05	Unsafe Buildings
150.06	Special Exceptions to the C1 and C2 Districts

§ 150.01 ZONING

The Board of Trustees 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 as official representative on matters of zoning. The Board of Trustees 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

(Ordinance No. 1984; Ordinance No. 1995-1, passed June 12, 1995; Ordinance 2014-4; amended by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 151: UNSAFE BUILDINGS

Section

151.01	Unsafe Building Inspector
151.02	Unsafe conditions unlawful
151.03	Unsafe conditions specified
151.04	Cause irrelevant
151.05	Present use considered
151.06	Inspection
151.07	Orders
151.08	Violation
151.09	Hearing
151.10	Failure to correct
151.11	Injunctive relief
151.12	Judgment and attorney fees
151.13	Real estate included
151.14	Notice to owners
151.15	Notice to lessee
151.16	Hearing authority established

§ 151.01 UNSAFE BUILDING INSPECTOR

The Board of Trustees designates the Warren County Unsafe Building Inspector to enforce Indiana's Unsafe Building Law, LC. 36-7-9 et. seq., which regulates unsafe buildings and structures. The Board of Trustees is the hearing officer for purposes of hearing and reviewing orders issued by the Unsafe Building Inspector within the corporate limits of the Town.

Statutory reference:

Authority, see I C. 36-7-9-3

§ 151.02 UNSAFE CONDITIONS UNLAWFUL

Any condition or conditions of any building, structure or part thereof in the town, which for any reason is a clear and present danger to the health of physical being of persons, or is an unreasonable danger to property other than the structure itself, are hereby declared to be unlawful conditions or an unlawful condition.

§ 151.03 UNSAFE CONDITIONS SPECIFIED

In determining whether a condition or conditions of a structure are unlawful conditions within the means of this chapter, all relevant factors are to be considered including, but not limited to, the following:

(A) A building or structure, or any part of a building or structure, that is:
1. In an impaired structural condition that makes it unsafe to a person or property;
2. A fire hazard;
3. A hazard to the public welfare;
4. A public nuisance; or
5. Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; is considered an unsafe building.

(B) For purposes of this chapter:
1. An unsafe building; and
2. The tract of real property on which the unsafe building is located; are considered unsafe premises.

§ 151.04 CAUSE IRRELEVANT

An unlawful condition under this chapter remains unlawful regardless whether the condition is a result of design, deterioration, alteration or other factor.

§ 151.05 PRESENT USE CONSIDERED

For the purpose of this chapter in determining whether a condition or conditions of a building or structure is an unlawful condition, the present use of the building or structure shall be considered, and the reasonably foreseeable class of persons who may be directly affected thereby shall be considered and the property, whether real or personal, which may be affected by any unlawful condition, and which is reasonably foreseeable shall be considered in determining whether any condition or conditions is or are unlawful.

§ 151.06 INSPECTION

When the enforcement authority for the Town, or such other person, who is charged by the Board with enforcement of the provisions of this chapter, believes that an unlawful condition under this chapter may exist, then he or she shall make inspection of the structure or premises for the purpose of determining whether any unlawful conditions exist under this chapter. In the event that the hearing authority cannot agree as to whether or not an unsafe building condition exists, then they shall consult with a certified, licensed and practicing architect or engineer for a final determination. In making a determination with respect to an unsafe building condition or conditions, the hearing authority may consult with any other person reasonably necessary to make such determination, including, but not limited to, the State Fire Marshal, the Volunteer Fire Department, Fire Chief and the County Health Officer.

§ 151.07 ORDERS

(A) Upon the determination that an unsafe building or conditions exist, the hearing authority may issue an order requiring action relative to any unsafe premises, including:

1. Vacating of an unsafe building;
2. Sealing an unsafe building against intrusion by unauthorized persons, in accordance with a uniform standard established by ordinance;
3. Extermination of vermin in and about the unsafe premises;
4. Repair of an unsafe building to bring it into compliance with standards for building condition or maintenance prescribed by law;
5. Removal of part of an unsafe building; and
6. Removal of an unsafe building.

(B) The order must contain:

1. The name of the person to whom the order is issued;
2. The legal description or address of the unsafe premises that are the subject of the order;
3. The action that the order requires;
4. The period of time in which the action is required to be accomplished, measured from the time when the notice of the order is given;
5. If a hearing is required, a statement indicating the exact time and place of the hearing, and stating that person to whom the order was issued is entitled to appear at the hearing with or without legal counsel, present evidence, cross-examine opposing witnesses and present arguments;
6. If a hearing is not required, a statement that an order under division (B)(5) above becomes final ten days after notice is given, unless a hearing is requested in writing by a person holding a fee interest or life estate interest in the unsafe premises, and the request is delivered to the enforcement authority before the end of the ten-day period;
7. A statement briefly indicating what action can be taken by the enforcement authority if the order is not complied with;
8. A statement indicating the obligation created by I.C. 36-7-9-27 relating to notification of subsequent interest holders and the enforcement authority; and
9. The name, address and telephone number of the enforcement authority.

(C) The order must allow a sufficient time, of at least ten days from the time when notice of the order is given to accomplish the action; the order may require that a substantial beginning be made in accomplishing the action within 30 days.

(D) The order expires two years from the day the notice of the order is given, unless one or more of the following events occurs within that two-year period:

1. A complaint requesting judicial review is filed under I.C. 36-7-9-9;
2. A contract for action required by the order is let at public bid under I.C. 36-7-9-11; and/or
3. A civil action is filed under I.C. 36-7-9-17.

(E) Notice must be given by:

1. Sending a copy of the order or statement by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested;
2. Delivering a copy of the order or statement personally to the person to be notified; or
3. Leaving a copy of the order or statement at the dwelling or unusual place of abode of the person to be notified.

(F) If, after a reasonable effort, service is not obtained by a means described in division (E) above, service may be made by publishing a notice of the order or statement in accordance with I.C. 5-3-1 (I.C. 5-3-1-1 through 5-3-1-9) in the county where the unsafe premises are located; however, publication may be made on consecutive days. If service of an order is made by publication, the publication must include the information required by subdivisions (1), (2), (4), (5), (6), (7), and (9) of Section 5(b) in I.C. 36-7-9-5(b), (1), (2), (4), (5), (6), (7) and (9) of said chapter, and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the enforcement authority.

(G) When service is made by any of the means described in this section, except by mailing or publication, the person making service must make an affidavit stating that he or she has made the service, the manner in which the order or statement, and the date of service. The affidavit must be placed on file with the enforcement authority.

- (H) The date when notice of the order or statement is considered given is as follows.
1. If the order or statement is delivered personally or left at the dwelling or usual place of above, notice is considered given on the day when the order or statement is delivered to the person or left at his or her dwelling or usual place of abode.
 2. If the order or statement is mailed, notice is considered given on the date shown the return receipt, or, if no date is shown, on the date when return receipt is received by the enforcement authority.
 3. Notice by publication is considered given on the date of the second day that publication was made.

(I) Notice of orders, notice of statement of rescission, notice of continued hearings and notice of a statement that public bids are to be let need not be given to a person holding a property interest in an unsafe premises if:

1. No instrument reflecting the property interest held by the person is recorded in the Recorder's office of the county where the unsafe premises is located;
2. The order or statement was recorded in accordance with I.C. 36-7-9-26 of this chapter; and
3. The enforcement authority has received neither written information nor actual notice of the identity of the person who holds a property interest in the unsafe premises.

(J) A person who fails to record an instrument reflecting an interest in his or her unsafe premises is considered to consent to action taken under this chapter relative to which notice would otherwise be given.

§ 151.08 VIOLATION

The failure of the person, persons, entity or entities to whom the notice of unlawful condition or conditions was sent, to correct the conditions within the time provided in the notice, shall constitute a violation of this chapter, and each day that any unlawful condition shall continue after that date shall be considered a separate violation of this chapter unless a request for hearing has been filed.

§ 151.09 HEARING

In the event of a hearing before the hearing authority of an unlawful condition or conditions, the hearing authority shall hear evidence of the individuals named in the notice and may conduct any additional fact finding process which it may determine necessary, and within a reasonable time thereafter shall issue a final determination of whether any unlawful condition or conditions exist, and in the event the enforcement authority finds any unlawful condition or conditions to exist after hearing, the enforcement authority shall specifically set forth in writing the unlawful conditions found to exist, the findings of fact upon which its decision is based and a specific, but reasonable, date in which the unlawful conditions are to be corrected, copies of which shall be delivered to the individuals named in the notice.

§ 151.10 FAILURE TO CORRECT

Any failure by any person, persons, entity or entities named in the final determination of the hearing authority to correct the unlawful condition or conditions, which were found to exist within the time period provided by the enforcement authority, shall constitute a violation of this chapter and for each such condition which exists after said date and each day that any such unlawful condition shall exist after the date in which the person, persons, entity or entities were allowed to correct the same, shall constitute a separate violation of this chapter for each unlawful condition which exists.

§ 151.11 INJUNCTIVE RELIEF

In the event that any person, persons, entity or entities or whatsoever nature violates the provisions of this chapter, the Town may take action in any court of proper jurisdiction in this County to obtain a mandatory injunction or other relief, require such person, persons, entity or entities to correct the unlawful conditions and to request any other temporary and preliminary injunctive relief to protect persons and property and further, may request final orders requiring the structure or building to be removed, sold or other relief which is proper under the circumstances.

§ 151.12 JUDGMENT AND ATTORNEY FEES

In the event that the Town files ordinance violation charges or seeks injunctive or other relief before any court, then upon any determination in favor of the Town, the Town shall be further entitled to recover and have judgment against such person, persons, entity or entities violating this chapter for the Town's reasonable attorney's fees incurred in prosecuting any of the actions therein, court costs, and all other related costs.

§ 151.13 REAL ESTATE INCLUDED

For the purposes of this chapter, any building or structure shall include the real estate upon which such building or structure is located.

§ 151.14 NOTICE TO OWNERS

When any unlawful condition or conditions exist under this chapter, which are within the control of the owner or owners of the real estate upon which the building or structure is situated, then notice shall be given to those owners who appear on record.

§ 151.15 NOTICE TO LESSEE

In the event it is determined that the unlawful condition or conditions under this chapter which exist are solely within the control of the lessee of a building or structure other than the owner, then notice shall be given to such lessee or other person in addition to the owner or owners of the building or structure.

§ 151.16 HEARING AUTHORITY ESTABLISHED

The Board of Trustees herein establishes the Board of Trustees as the hearing authority which refers to the persons in the provisions adopted in this chapter.

(Ordinance No. 2017-0410, passed April 10, 2017; repealed and replaced by Ordinance No. 2020-0810, passed August 10, 2020)

CHAPTER 152: FLOOD HAZARD AREAS

Section

152.01 Flood Hazard Areas

§ 152.01 FLOOD HAZARD AREAS

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

(Ordinance No. 2008-01, passed August 11, 2008)

(Ordinance No. 2012-6, passed December 10, 2012, adopting County Ordinance No. 2012-10, passed November 5, 2012)

TABLE I: ANNEXATIONS

<u>ORDINANCE NO.</u>	<u>DATE PASSED</u>	<u>DESCRIPTION</u>
1980-1	4/14/1980	Annexation of Satellite Petroleum Co. adjoining land
1996-1	3/11/1996	Annexation for Robert L. and Carolyn S. Allison
1996-2	3/11/1996	Annexation for Gary P. Wolfe
1996-3	3/11/1996	Annexation for Stewart Grain Co., Inc.
1996-4	3/11/1996	Annexation for town development
1996-5	4/8/1996	Annexation for Walter H. and Elsie I. Hobaugh
1996-6	4/8/1996	Annexation for Samuel J. Allen
1997-1	8/18/1996	Annexation of Warren Subdivision
1998-1	2/1/1998	Annexations for Kenneth J. and Frances I. Smith; Gretchen L. Hallet; William H. and Mary Jane Owens; Gerald T. and Mearl E. Goodrick; Roger A. and Linda L. Lape
1998-2	2/9/1998	Annexation for Gordon J. and Lillian M. Howard

Ordinance No. 2020-0810

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE TOWN OF WEST LEBANON, INDIANA, AND REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE TOWN OF WEST LEBANON, INDIANA IN SUCH CODE OF ORDINANCES

WHEREAS, the present general and permanent ordinances of the Town of West Lebanon are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Indiana empower and authorize the Town of West Lebanon to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Town Council of the Town of West Lebanon has authorized a general compilation, revision and codification of the ordinances of the Town of West Lebanon of general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the Town of West Lebanon and for the immediate preservation of the public peace, health, safety and general welfare of its citizens that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEST LEBANON:

- A. The prior Code of Ordinances of the Town of West Lebanon, Indiana as well as the non-codified general ordinances of the Town of West Lebanon as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of the Town of West Lebanon, Indiana."

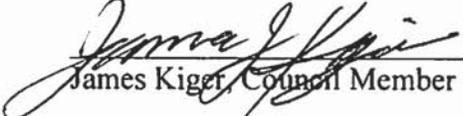
- B. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:
 - Title I: General Provisions
 - Title III: Administration
 - Title V: Municipal Services
 - Title VII: Traffic Code
 - Title IX: General Regulations
 - Title XI: Business Regulations
 - Title XIII: General Offenses
 - Title XV: Land Usage
 - Table of Annexations
 - Appendix A: Water Rates
 - Appendix B: Sewer Rates

- C. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in covered by the Code.
- D. Such Code shall be deemed published as of the day of its adoption and approval by the Town Council, and the Clerk-Treasurer of the Town of West Lebanon is hereby authorized and ordered to file two (2) copies of such Code of Ordinances in the Office of the Clerk-Treasurer.
- E. Such Code shall be in full force and effect at the earliest date provided by law, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

Passed and Adopted by the Town Council of the Town of West Lebanon on this 10th day of August, 2020.

TOWN COUNCIL OF THE
TOWN OF WEST LEBANON, INDIANA


Marty Kutsenkow, Council President


James Kiger, Council Member

David Moody, Council Member

ATTEST:


Cindy Williams, Clerk-Treasurer